

The Honorable David G. Estudillo  
Trial Date: May 13, 2024

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

LISA C. NEAL, an individual,  
  
Plaintiff,  
  
v.  
  
CITY OF BAINBRIDGE ISLAND,  
  
Defendant.

No. 3:20-cv-06025-DGE

DEFENDANT CITY OF BAINBRIDGE  
ISLAND'S ANSWER TO PLAINTIFF'S  
THIRD AMENDED COMPLAINT

**JURY DEMAND**

Defendant, CITY OF BAINBRIDGE ISLAND, in answer to Plaintiff Lisa C. Neal's  
complaint, admits, denies and alleges as follows:

**I. PARTIES**

1.1 Defendant admits the allegations contained in paragraph 1.1.

1.2 Defendant admits the allegations contained in paragraph 1.2.

**II. JURISDICTION & VENUE**

2.1 Defendant admits the allegations contained in paragraph 2.1.

2.2 Defendant admits the allegations contained in paragraph 2.2.

2.3 The allegations in paragraph 2.3 consist of a legal conclusion, which require  
no response. To the extent that a response is necessary, Defendant denies the allegations  
paragraph 2.3.

2.4 The allegations in paragraph 2.4 consist of a legal conclusion, which require  
no response. To the extent that a response is necessary, Defendant denies the allegations

DEFENDANT CITY OF BAINBRIDGE ISLAND'S  
ANSWER TO PLAINTIFF'S THIRD AMENDED  
COMPLAINT - 1  
3:20-cv-06025-DGE

1002-01718/630838

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1 paragraph 2.4.

2 2.5 Defendant denies the allegations in paragraph 2.5.

### 3 **III. RELEVANT FACTS**

4 3.1 Upon information and belief, Defendant admits Plaintiff is a lawyer.  
5 Defendant is without knowledge sufficient to form a belief as to the truth of the remaining  
6 allegations contained in paragraph 3.1 and, therefore, neither admits or denies at this time.

7 3.2 Upon information and belief, Defendant admits the allegations in paragraph  
8 3.2. By way of further Answer, BIMC 2.16.210, which sets forth process related to the  
9 Subarea Planning Process Steering Committee, speaks for itself.

10 3.3 Defendant denies the allegations as characterized in paragraph 3.3 to the  
11 extent those allegations differ from what is stated in BIMC 2.16.210. By way of further  
12 Answer, BIMC 2.16.210 sets forth the responsibilities of the Steering Committee:

#### 13 *3. The steering committee shall:*

14 *a. Establish a planning process consistent with this chapter*  
15 *for developing the subarea plan, which shall include a work*  
16 *plan, timeline, and budget, and which shall be submitted to*  
17 *the city council for approval;*

18 *b. With the advice and assistance of the interdepartmental*  
19 *staff team, develop a subarea plan consisting of a report and*  
20 *a proposed comprehensive plan amendment, if appropriate,*  
21 *for the designated center or neighborhood;*

22 *c. As a part of the work plan, establish a public participation*  
23 *process that includes public meetings in addition to the initial*  
24 *public meeting conducted under subsection F of this section,*  
25 *and work with city staff to ensure outreach to the community*  
26 *during the subarea planning process; and*

27 *d. Ensure that the subarea planning process provides*  
*adequate opportunity for participation by property owners*  
*and residents who live in or near the designated center or*  
*neighborhood.*

3.4 Upon information and belief, Defendant admits the Committee was formed  
in 2017. Defendant lacks sufficient information to admit or deny the remaining allegations

1 in paragraph 3.4 as characterized and therefore denies the same.

2 3.5 Upon information and belief, Defendant admits the allegations in paragraph  
3 3.5.

4 3.6 Defendant denies the allegations as characterized in paragraph 3.6. By way  
5 of further Answer, Plaintiff was not hired as a City employee; she was appointed as a  
6 volunteer to a citizen committee pursuant to the BIMC.

7 3.7 Upon information and belief, Defendant admits the allegations in paragraph  
8 3.7.

9 3.8 Defendant denies the allegations in paragraph 3.8.

10 3.9 Defendant lacks sufficient knowledge to determine the truth of the  
11 allegations as characterized in paragraph 3.9 and therefore denies the same.

12 3.10 Defendant denies the allegations as characterized in paragraph 3.10.

13 3.11 Upon information and belief, Defendant admits Plaintiff may have had  
14 conversations with Sarah Blossom when she served as a member of the City of Bainbridge  
15 Island City Council. Defendant denies the remaining allegations as characterized in  
16 paragraph 3.11.

17 3.12 Defendant denies the allegations as characterized in paragraph 3.12.

18 3.13 Defendant denies the allegations as characterized in paragraph 3.13.

19 3.14 Upon information and belief, Defendant admits then-Councilmember  
20 Blossom made a motion to remove Plaintiff from the Committee during an August 14,  
21 2018, public City Council meeting, and that Jon Quitslund commented during the public  
22 comment period, and that then-Planning Director Christensen responded to questions by  
23 City Councilmembers during the same meeting. The public record speaks for itself.  
24 Defendant denies the remaining allegations as characterized in paragraph 3.14.

25 3.15 Defendant denies the allegations as characterized in paragraph 3.15.

26 3.16 Defendant denies the allegations as characterized in paragraph 3.16.

1           3.17 Upon information and belief, Defendant admits the Committee provided a  
2 survey to community members seeking feedback regarding a number of issues. Defendant  
3 lacks sufficient information to confirm or deny the remaining allegations contained in  
4 paragraph 3.17 and therefore denies the same.

5           3.18 Defendant lacks sufficient information to confirm or deny the allegations  
6 contained in paragraph 3.18 and therefore denies the same.

7           3.19 Defendant lacks sufficient information to confirm or deny the allegations  
8 contained in paragraph 3.19 and therefore denies the same.

9           3.20 Defendant lacks sufficient information to confirm or deny the allegations  
10 contained in paragraph 3.20 and therefore denies the same.

11           3.21 Paragraph 3.21 is vague and unclear as to the meaning of “the Committee’s  
12 consultant (Maker reported to the Committee regarding the ‘sticker’ exercise,” and  
13 therefore Defendant denies the allegations as characterized in paragraph 3.21.

14           3.22 Paragraph 3.22 is vague, and Defendant lacks sufficient information to  
15 confirm or deny the allegations in paragraph 3.22 and therefore denies the same.

16           3.23 Paragraph 3.23 is vague and unclear, and therefore Defendant denies the  
17 allegations as characterized in paragraph 3.23. By way of further Answer, to the extent that  
18 Plaintiff’s allegations relate to a statement made during a City Council public meeting, the  
19 publicly available recordings of City Council meetings speak for themselves.

20           3.24 Defendant lacks information sufficient to confirm or deny the allegations as  
21 characterized in paragraph 3.24 and therefore Defendant denies the same. By way of further  
22 Answer, to the extent that Plaintiff’s allegations relate to a statement made during a City-  
23 sponsored public meeting, the publicly available recordings of such meetings speak for  
24 themselves.

1           3.25 The allegations contained in paragraph 3.25 are vague and unclear;  
2 Defendant cannot confirm or deny the truth of the allegations and therefore denies the  
3 same.

4           3.26 The allegations contained in paragraph 3.26 are vague and unclear;  
5 Defendant cannot confirm or deny the truth of the allegations and therefore denies the  
6 same. By way of further Answer, to the extent that Plaintiff's allegation relates to a  
7 publicly available document, the document speaks for itself.

8           3.27 Defendant denies the allegations as characterized in paragraph 3.27 that the  
9 community was "speaking through the stickers." By way of further Answer, to the extent  
10 that Plaintiff's allegation relates to a publicly available document, the document speaks for  
11 itself.

12           3.28 The allegations contained in 3.28 are vague as to time frame and context;  
13 Defendant lacks sufficient information to confirm or deny the allegations, and therefore  
14 denies the same.

15           3.29 The allegations contained in paragraph 3.29 are vague and unclear, and  
16 Defendant lacks sufficient information to confirm or deny the allegations, and therefore  
17 denies the same. By way of further Answer, to the extent that Plaintiff's allegations relate  
18 to a publicly available recording, the recording speaks for itself.

19           3.30 The allegations contained in paragraph 3.30 are vague and unclear and  
20 therefore Defendant lacks sufficient information to confirm or deny the same. By way of  
21 further Answer, to the extent that Plaintiff's allegation relates to a publicly available  
22 recording, the recording speaks for itself.

23           3.31 The allegations contained in 3.31 are vague and unclear as to the meaning of  
24 "earlier start date" and therefore Defendant lacks sufficient information to confirm or deny  
25 the same. By way of further Answer, to the extent that Plaintiff's allegations relate to a  
26 publicly available recording, the recording speaks for itself. Defendant denies the remaining

1 allegations as characterized in paragraph 3.31.

2 3.32 The allegations contained in paragraph 3.32 are vague and unclear as to time  
3 frame and meaning of “the Plan Blossom referenced” and therefore Defendant lacks  
4 sufficient information to confirm or deny the allegations, and therefore denies the same.

5 3.33 Upon information and belief, Defendant admits Planning Commission  
6 Minutes for July 24, 2003 provide information pertaining to a zoning plan. By way of  
7 further Answer, to the extent that Plaintiff’s allegations relate to publicly available meeting  
8 minutes, the minutes speak for themselves.

9 3.34 The allegations contained in 3.34 are vague and unclear as to the meaning of  
10 “high density housing” and therefore Defendant lacks sufficient information to confirm or  
11 deny the allegations, and therefore denies the same. By way of further Answer, to the extent  
12 that Plaintiff’s allegations relate to publicly available documents, the documents speak for  
13 themselves.

14 3.35 Plaintiff’s allegations in paragraph 3.35 appear to characterize language  
15 contained in an unknown pleading or transcript in an unrelated lawsuit. Defendant lacks  
16 sufficient information regarding the context or content of the particular document cited and  
17 therefore denies the allegations as characterized in paragraph 3.35.

18 3.36 The allegations contained in paragraph 3.36 are vague and unclear as to the  
19 meaning of “previously strongly advocated for high density housing” and therefore  
20 Defendant lacks sufficient information to confirm or deny the allegations, and therefore  
21 denies the same.

22 3.37 Defendant lacks sufficient information to confirm or deny the allegations  
23 contained in paragraph 3.37, which relate to findings of a third-party entity, and therefore  
24 denies the same.

25 3.38 Upon information and belief, Defendant admits the Suzuki property contains  
26 wetlands and a pond.

1           3.39 The allegations contained in paragraph 3.39 merely contain Plaintiff's  
2 opinion and are vague and unclear as to the meaning of "the proposals" referenced.  
3 Therefore, Defendant denies the allegations as characterized.

4           3.40 The allegations contained in paragraph 3.40 are vague and unclear as to  
5 context, time frame, and meaning of "the project" and "others in her community" and  
6 therefore Defendant lacks sufficient information to confirm or deny the allegations and  
7 denies the same.

8           3.41 The allegations in paragraph 3.41 appear to relate to conduct of a third-party  
9 unrelated to the claims or defenses in this case. Accordingly, Defendant denies the  
10 allegations contained in paragraph 3.41 because it is not obligated to provide a response and  
11 lacks sufficient information to confirm or deny the allegations.

12           3.42 The allegations in paragraph 3.42 appear to relate to conduct of a third-party  
13 unrelated to the claims or defenses in this case. Accordingly, Defendant denies the  
14 allegations contained in paragraph 3.42 because it is not obligated to provide a response and  
15 lacks sufficient information to confirm or deny the allegations.

16           3.43 The allegations contained in paragraph 3.43 are vague as to the meaning of  
17 "project," and Defendant lacks sufficient information to confirm or deny the allegations and  
18 therefore denies the same.

19           3.44 Defendant lacks information sufficient to confirm or deny the allegations  
20 contained in paragraph 3.44 and therefore denies the same.

21           3.45 Defendant lacks sufficient information regarding the context or identity of  
22 the speaker of the statement referenced in paragraph 3.45 to confirm or deny the truth of the  
23 allegations, and therefore denies the same.

24           3.46 Defendant lacks sufficient information regarding the identity of the speaker  
25 or context of the statement quoted to confirm or deny the truth of the allegations contained  
26 in paragraph 3.46 and therefore denies the same. By way of further Answer, to the extent

1 that Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
2 records speak for themselves.

3 3.47 The allegations in paragraph 3.47 include vague characterizations regarding  
4 statements of unidentified speakers and Defendant lacks sufficient information to confirm  
5 or deny the allegations and therefore denies the same. By way of further Answer, to the  
6 extent that Plaintiff's allegations relate to publicly available meeting minutes and  
7 recordings, the records speak for themselves.

8 3.48 The allegations in paragraph 3.48 include vague characterizations of  
9 statements and therefore Defendant lacks sufficient information to confirm or deny the  
10 allegations and denies the same. By way of further Answer, to the extent that Plaintiff's  
11 allegations relate to publicly available meeting minutes and recordings, the records speak  
12 for themselves.

13 3.49 The allegations in paragraph 3.49 include vague characterizations of  
14 conversations involving unidentified third parties and therefore Defendant lacks sufficient  
15 information to confirm or deny the allegations as characterized and denies the same. By  
16 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
17 meeting minutes and recordings, the records speak for themselves.

18 3.50 Upon information and belief, Defendant admits Maradel Gale served on the  
19 City of Bainbridge Island Planning Commission from approximately January 2006 to  
20 July 2017. Defendant also admits Jon Quitslund served on the Bainbridge Island Planning  
21 Commission, and he left the Commission in 2021.

22 3.51 Upon information and belief, Defendant admits the Island Center Committee  
23 was formed in November 2017.

24 3.52 Upon information and belief, Defendant admits the allegations contained in  
25 paragraph 3.52.

1           3.53    Upon information and belief, Defendant admits Scott Anderson was a  
2 Committee member in 2017.

3           3.54    Upon information and belief, Defendant admits Maradel Gale was a  
4 Committee member in 2017.

5           3.55    Defendant lacks sufficient information to confirm or deny the allegations in  
6 paragraph 3.55 as characterized and therefore denies the same.

7           3.56    Defendant lacks sufficient information to confirm or deny the allegations  
8 contained in paragraph 3.56 and therefore denies the same. By way of further Answer, to  
9 the extent that Plaintiff's allegations relate to publicly available property records, the  
10 records speak for themselves.

11          3.57    Defendant lacks sufficient information to confirm or deny the allegations  
12 contained in paragraph 3.57 and therefore denies the same. By way of further Answer, to  
13 the extent that Plaintiff's allegations relate to publicly available property ownership records,  
14 the records speak for themselves.

15          3.58    Defendant lacks sufficient information to confirm or deny the allegations  
16 contained in paragraph 3.58 at this time and therefore denies the same. By way of further  
17 Answer, to the extent that Plaintiff's allegations relate to publicly available property  
18 ownership records, the records speak for themselves.

19          3.59    Defendant lacks sufficient information to confirm or deny the allegations  
20 contained in paragraph 3.59 at this time and therefore denies the same. By way of further  
21 Answer, to the extent that Plaintiff's allegations relate to publicly available Planning  
22 Commission meeting minutes or recordings, the records speak for themselves.

23          3.60    Defendant lacks sufficient information to confirm or deny the allegations  
24 contained in paragraph 3.60 at this time and therefore denies the same. By way of further  
25 Answer, to the extent that Plaintiff's allegations relate to publicly available property  
26 ownership and zoning records, the records speak for themselves.

1           3.61 Defendant lacks sufficient information to confirm or deny the allegations  
2 contained in paragraph 3.61 at this time and therefore denies the same. By way of further  
3 Answer, to the extent that Plaintiff's allegations relate to publicly available Planning  
4 Commission meeting minutes or recordings, the records speak for themselves.

5           3.62 Defendant lacks sufficient information to confirm or deny the allegations  
6 contained in paragraph 3.62 at this time and therefore denies the same. By way of further  
7 Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
8 minutes or recordings, the records speak for themselves.

9           3.63 Defendant lacks sufficient information to confirm or deny the allegations  
10 contained in paragraph 3.63 at this time and therefore denies the same. By way of further  
11 Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
12 minutes or recordings, the records speak for themselves.

13           3.64 The allegations contained in paragraph 3.64 are vague as to timeframe and  
14 context, and therefore Defendant lacks sufficient information to confirm or deny the  
15 allegations as characterized and therefore denies the same. By way of further Answer, to the  
16 extent that Plaintiff's allegations relate to publicly available records, the records speak for  
17 themselves.

18           3.65 The allegations contained in paragraph 3.65 are vague and argumentative as  
19 characterized, and Defendant lacks sufficient information to confirm or deny the allegations  
20 and therefore denies the same. By way of further Answer, to the extent that Plaintiff's  
21 allegations relate to publicly available records, the records speak for themselves.

22           3.66 Defendant lacks sufficient information to confirm or deny the allegations  
23 contained in paragraph 3.66 as characterized at this time and therefore denies the same. By  
24 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
25 records, the records speak for themselves.

1           3.67 The allegations contained in paragraph 3.67 are vague and argumentative  
2 and Defendant lacks sufficient information to confirm or deny the allegations as  
3 characterized at this time and therefore denies the same. By way of further Answer, to the  
4 extent that Plaintiff's allegations relate to a publicly available newspaper article, the records  
5 speak for themselves.

6           3.68 Defendant denies the allegations as characterized in paragraph 3.68. By way  
7 of further Answer, upon information and belief, Defendant admits that Consultant  
8 Charlie Wenzlau attended the June 5, 2019 Island Center Subarea Planning meeting and the  
9 Committee engaged in ongoing discussions regarding a number of issues, including  
10 boundary lines on proposed maps presented at the meeting.

11           3.69 The allegations contained in paragraph 3.69 are vague and unclear and  
12 Defendant lacks sufficient information at this time to confirm or deny the allegations as  
13 characterized and therefore denies the same. By way of further Answer, Consultant Jeff  
14 Arango attended the November 6, 2019 Island Center Subarea Planning meeting and the  
15 Committee engaged in ongoing discussions regarding the boundary lines of the proposed  
16 maps presented at the meeting.

17           3.70 The allegations contained in paragraph 3.70 are vague and unclear, and  
18 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
19 that Plaintiff's allegations relate to publicly available meeting minutes or recordings, the  
20 records speak for themselves.

21           3.71 The allegations contained in paragraph 3.71 are vague and unclear, and  
22 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
23 that Plaintiff's allegations relate to publicly available meeting minutes or recordings, the  
24 records speak for themselves.

25           3.72 The allegations contained in paragraph 3.72 are vague and unclear, and  
26 Defendant denies the allegations as characterized. Upon information and belief, Defendant

1 admits Jon Quitslund was appointed as Planning Commission liaison to the Island Center  
2 Committee. Defendant lacks sufficient information to confirm or deny the remaining  
3 allegations contained in paragraph 3.72 and therefore denies the same.

4 3.73 The allegations contained in paragraph 3.73 are vague and argumentative,  
5 and Defendant denies the allegations as characterized. By way of further Answer, to the  
6 extent that Plaintiff's allegations relate to publicly available meeting minutes or recordings,  
7 the records speak for themselves.

8 3.74 Defendant lacks sufficient information to confirm or deny the allegations in  
9 paragraph 3.74 and therefore denies the same. To the extent that Plaintiff's allegations  
10 relate to publicly available meeting minutes or recordings, the records speak for themselves.

11 3.75 Defendant lacks sufficient information to confirm or deny the allegations as  
12 characterized in paragraph 3.75 and therefore denies the same. To the extent that Plaintiff's  
13 allegations relate to publicly available meeting minutes or recordings, the records speak for  
14 themselves.

15 3.76 Defendant lacks sufficient information to confirm or deny the allegations as  
16 characterized in paragraph 3.76 and therefore denies the same. To the extent that Plaintiff's  
17 allegations relate to publicly available meeting minutes or recordings, the records speak for  
18 themselves.

19 3.77 Defendant lacks sufficient information to confirm or deny the allegations as  
20 characterized in paragraph 3.77 and therefore denies the same.

21 3.78 The allegations contained in paragraph 3.73 are vague and argumentative,  
22 and Defendant denies the allegations as characterized. To the extent that Plaintiff's  
23 allegations relate to publicly available records, the records speak for themselves.

24 3.79 Paragraph 3.79 does not contain an allegation of fact and therefore  
25 Defendant is not obligated to provide a response. To the extent that Defendant is obligated  
26 to provide a response to such allegations, Defendant denies the same.

1           3.80 The allegations contained in paragraph 3.80 are vague and argumentative,  
2 and Defendant lacks sufficient information to confirm or deny the allegations and therefore  
3 denies the allegations as characterized. By way of further Answer, to the extent that  
4 Plaintiff's allegations relate to publicly available meeting minutes or recordings, the records  
5 speak for themselves.

6           3.81 Defendant lacks sufficient information to confirm or deny the allegations in  
7 paragraph 3.81 and therefore denies the allegations as characterized. By way of further  
8 Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
9 minutes or recordings, the records speak for themselves.

10           3.82 The allegations in paragraph 3.82 are vague as to meaning of "reviewed"  
11 and context of "a replacement consultant" for the purposes of this allegation, and Defendant  
12 lacks sufficient information to confirm or deny the allegations as characterized in paragraph  
13 3.82 at this time and therefore denies the same. By way of further Answer, to the extent that  
14 Plaintiff's allegations relate to publicly available records, the records speak for themselves.

15           3.83 The allegations in paragraph 3.83 are vague as to context and Defendant  
16 lacks sufficient information to confirm or deny the allegations as characterized in paragraph  
17 3.83 at this time and therefore denies the same. By way of further Answer, to the extent that  
18 Plaintiff's allegations relate to publicly available records, the records speak for themselves.

19           3.84 The allegations in paragraph 3.84 include vague characterizations of  
20 conversations involving unidentified third parties, thus Defendant lacks sufficient  
21 information to confirm or deny the allegations and denies the same. By way of further  
22 Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
23 minutes and recordings, the records speak for themselves.

24           3.85 The allegations in paragraph 3.85 include vague, argumentative  
25 characterizations of conversations involving unidentified individuals and therefore  
26 Defendant lacks sufficient information to confirm or deny the allegations and denies the

1 same. By way of further Answer, to the extent that Plaintiff's allegations relate to publicly  
2 available meeting minutes and recordings, the records speak for themselves.

3 3.86 The allegations in paragraph 3.86 include vague characterizations of  
4 statements made at an unspecified time and therefore Defendant lacks sufficient  
5 information to confirm or deny the allegations and denies the same. By way of further  
6 Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
7 minutes and recordings, the records speak for themselves.

8 3.87 Defendant lacks sufficient information to confirm the truth of the allegations  
9 in paragraph 3.87 and therefore denies the same. By way of further Answer, to the extent  
10 that Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
11 records speak for themselves. Moreover, neither the City nor the court can know why any  
12 individual elected official may have cast a vote on any proposal, and such motives are not  
13 properly invaded by the Court.

14 3.88 Defendant lacks sufficient knowledge of the truth of the allegations as  
15 characterized in paragraph 3.88 and therefore denies the same. By way of further Answer,  
16 to the extent that Plaintiff's allegations relate to publicly available records, the records  
17 speak for themselves.

18 3.89 Defendant lacks sufficient knowledge of the truth of the allegations as  
19 characterized in paragraph 3.89 and therefore denies the same. By way of further Answer,  
20 to the extent that Plaintiff's allegations relate to publicly available records, the records  
21 speak for themselves.

22 3.90 The allegations in paragraph 3.90 are vague and unclear as to the identity of  
23 the speaker alleged to have made a statement and the context of any such statement, and  
24 therefore Defendant lacks sufficient information to confirm the truth of the allegations in  
25 paragraph 3.90 and therefore denies the same. By way of further Answer, to the extent that  
26 Plaintiff's allegations relate to publicly available meeting minutes and recordings, the

1 records speak for themselves.

2       3.91 The allegations contained in paragraph 3.91 are vague and unclear, and  
3 Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
4 characterized and therefore denies the same. By way of further Answer, to the extent that  
5 Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
6 records speak for themselves.

7       3.92 The allegations contained in paragraph 3.92 are vague and argumentative,  
8 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
9 characterized and therefore denies the same. By way of further Answer, to the extent that  
10 Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
11 records speak for themselves.

12       3.93 The allegations in paragraph 3.93 include vague characterizations related to  
13 alleged activities that took place at an unspecified time, and therefore Defendant lacks  
14 sufficient knowledge to confirm or deny the truth of the allegations in paragraph 3.93 and  
15 therefore denies the same.

16       3.94 Defendant denies the allegations as characterized in paragraph 3.94. By way  
17 of further Answer, upon information and belief, Defendant admits the members of the  
18 Committee and City staff discussed the Growth Management Act at various meetings.

19       3.95 The allegations contained in paragraph 3.95 are vague and argumentative,  
20 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
21 characterized and therefore denies the same.

22       3.96 Defendant denies the allegations as characterized in 3.96. By way of further  
23 Answer, Defendant denies that Plaintiff's commentary related to any "misstatements of the  
24 law."

25       3.97 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
26 allegations as characterized in paragraph 3.97 and therefore cannot admit or deny the same.

1 By way of further Answer, to the extent that Plaintiff's allegations relate to publicly  
2 available meeting minutes and recordings, the records speak for themselves.

3 3.98 The allegations contained in paragraph 3.98 are vague and argumentative,  
4 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
5 characterized and therefore denies the same.

6 3.99 The allegations contained in paragraph 3.99 are vague and argumentative,  
7 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
8 characterized and therefore denies the same.

9 3.100 The allegations contained in paragraph 3.100 are vague and argumentative,  
10 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
11 characterized and therefore denies the same.

12 3.101 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
13 allegations as characterized in paragraph 3.101 and therefore denies the same. By way of  
14 further Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
15 minutes and recordings, the records speak for themselves.

16 3.102 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
17 allegations as characterized in paragraph 3.102 and therefore denies the same. By way of  
18 further Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
19 minutes and recordings, the records speak for themselves.

20 3.103 The allegations contained in paragraph 3.103 are vague and argumentative,  
21 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
22 characterized and therefore denies the same. By way of further Answer, to the extent that  
23 Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
24 records speak for themselves.

25 3.104 The allegations contained in paragraph 3.104 are vague and argumentative,  
26 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as

1 characterized and therefore denies the same. By way of further Answer, to the extent that  
 2 Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
 3 records speak for themselves.

4 3.105 Defendant denies the allegations as characterized in paragraph 3.105. By  
 5 way of further Answer, Staff Liaison Sutton and others at the November 23, 2020  
 6 Committee meeting engaged in ongoing discussions regarding various development  
 7 standards and considerations to implement in a draft plan.

8 3.106 The allegations contained in paragraph 3.106 are vague and argumentative,  
 9 and Defendant lacks sufficient knowledge to confirm or deny the truth of the allegations as  
 10 characterized and therefore denies the same. By way of further Answer, to the extent that  
 11 Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
 12 records speak for themselves.

13 3.107 The allegations contained in paragraph 3.107 contain merely legal  
 14 conclusions to which no response is required. To the extent that Defendant is required to  
 15 provide a response, Defendant denies the allegations as characterized.

16 3.108 The allegations contained in paragraph 3.108 contain merely legal  
 17 conclusions to which no response is required. To the extent that an Answer is required,  
 18 Defendant denies the allegations as characterized. By way of further Answer, the current  
 19 COBI Ethics Program Code of Conduct, last revised as of June 2, 2021, provides in part:

20 *"Meetings of the City Council and City Committees and*  
 21 *Commissions shall have standing agenda item for disclosure*  
 22 *of possible conflicts of interest. Members are encouraged to*  
 23 *disclose relationships with persons and issues on the agenda,*  
 24 *including potential conflicts of interests. If necessary,*  
 25 *discussion among the members may be undertaken to judge*  
 26 *the significance of these relationships and whether a possible*  
 27 *conflict of interest exists."*

Resolution No. 2021-10, Section II, J (June 2, 2021).

3.109 The allegations contained in paragraph 3.109 contain merely legal conclusions to which no response is required. To the extent that an Answer is required, Defendant denies the allegations as characterized. By way of further Answer, the current COBI Ethics Program Code of Conduct Art. II, D.1 “Conflict of Interest—General” (which contains different language than the code provision that was in effect at times relevant to Plaintiff’s claims), provides the following:

*1. Applications of Conflict of Interest*

*Except as permitted in Subsections D.2 or D.3 below, a Councilmember or member of a City Committee or Commission shall not take any direct official action on a matter if they, or a member of their immediate family:*

*a. Have any substantial direct or indirect contractual employment related to the matter;*

*b. Have other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Councilmembers, include appointing members to the Salary Commission); or*

*c. Are a party to a contract or the owner of an interest in real or personal property that would be significantly affected by that matter. Taking direct official action on, or regarding, legislation of general application does not “significantly affect” real or personal property within the meaning of this Subsection.*

Resolution No. 2020-13. (Aug. 11, 2020).

3.110 Defendant denies the allegations contained in paragraph 3.110 because it is unclear which version of the COBI Ethics Program Code of Conduct this paragraph is referenced, and the paragraph does not accurately state what is provided in the current COBI Ethics Program Code of Conduct. Thus, Defendant denies the allegations as characterized.

3.111 Defendant denies the allegations contained in paragraph 3.111 because it is unclear which version of the COBI Ethics Program Code of Conduct is referenced. By way of further Answer, it is unclear what “this obligation” refers to in paragraph 3.111 or what

1 timeframe is alleged, and therefore Defendant denies the allegations in paragraph 3.111 as  
2 characterized.

3 3.112 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
4 allegations as characterized in paragraph 3.112 and therefore denies the same.

5 3.113 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
6 allegations as characterized paragraph 3.113 and therefore denies the same.

7 3.114 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
8 allegations as characterized paragraph 3.114 and therefore denies the same.

9 3.115 Defendant denies the allegations as characterized in paragraph 3.115. By  
10 way of further Answer, upon information and belief, Defendant admits at the January 17,  
11 2018 meeting, a member of the public asked if the Committee considered it a conflict of  
12 interest that one Committee member asked for a rezone of his property, which would  
13 potentially change the value of the property.

14 3.116 Defendant denies the allegations as characterized in paragraph 3.116. By  
15 way of further Answer, upon information and belief, Defendant admits, in response to a  
16 question about whether there was a potential conflict of interest if a Committee member had  
17 an interest in rezoning his property, former Planning Director Gary Christensen stated:

18 *“Not necessarily, as long as you disclose it, and certainly it’s*  
19 *well known that a member of the committee is interested in*  
20 *looking at some changes to their property, which might not be*  
21 *allowed today, but that wouldn’t keep anybody over any other*  
22 *committee member or any member of the community from*  
23 *coming forward with—and suggesting some plans. And*  
24 *remember that this committee is advisory only, so it makes a*  
25 *recommendation, or it will develop a plan and a concept*  
26 *which will then be forwarded to the planning commission; the*  
*planning commission will then review it and it will hold*  
*public hearings; it will then forward a recommendation to the*  
*city council, and the city council will take final action. So,*  
*typically, as long as you are upfront, and you disclose those*  
*potential conflicts of interest, if there’s no objections then*  
*people can serve on boards and commissions and committees.*  
*Certainly, that information was made available to the city*  
*council in the selection process.”*

1           3.117 Defendant denies the allegations as characterized in paragraph 3.117. By  
2 way of further Answer, at the March 7, 2018 meeting, Plaintiff requested that all agendas  
3 start with a one sentence conflict statement, noting, *“I know we’re not a legislative body, we*  
4 *probably can’t really have a real conflict, but I think it would be helpful for the public when*  
5 *they’re looking at something to know whether anyone has interests that are potentially*  
6 *impacted by our decisions...”*

7           3.118 Defendant denies the allegations as characterized in paragraph 3.118. By  
8 way of further Answer, at the March 7, 2018 meeting, in response to Plaintiff’s request,  
9 Christenson responded, *“while there could be some potential public perception about there*  
10 *being either appearance of fairness or conflict of interest, it is typically not an issue with an*  
11 *advisory board or committee because you’re not a decisionmakers so financially—I mean*  
12 *you may have ideas and preferences, but you’re not the final decisionmaker about what*  
13 *ultimately happens—those are—it’s the decisionmakers that are really subject to conflict of*  
14 *interests and appearance of fairness—where there could be financial gain. Any one of you*  
15 *might see some financial gain as a result of this, but you’re just making a recommendation,*  
16 *it’s not a decision.”* Plaintiff responded, *“right, right; maybe we would explain that, like in*  
17 *a preamble or something, so that people understand that—which makes sense to me.”*

18           3.119 The allegations contained in paragraph 3.119 are vague and argumentative  
19 and therefore Defendant denies the allegations as characterized.

20           3.120 The allegations contained in paragraph 3.120 are vague and argumentative  
21 and therefore Defendant denies the allegations as characterized.

22           3.121 Upon information and belief, Defendant admits that Gale had been  
23 nominated for the Chair position and the Committee voted her chair in 2018. Defendant  
24 lacks sufficient information to confirm or deny the remaining allegations contained in  
25 paragraph 3.121 and therefore cannot admit or deny the same.  
26

1           3.122 The allegations contained in paragraph 3.122 are vague, and therefore  
2 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
3 that Plaintiff's allegations relate to publicly available meeting minutes and recordings, the  
4 records speak for themselves.

5           3.123 Defendant denies the allegations in paragraph 3.123 as characterized. By  
6 way of further Answer, upon information and belief, Defendant admits at the March 21,  
7 2018 meeting, Ms. Sutton stated that the City Attorney told her that it was not necessary to  
8 include a standard conflict of interest statement on every agenda for several reasons,  
9 including because the Committee members are not the decisionmakers, they are the  
10 recommenders. By way of further Answer, Ms. Sutton said the City Attorney told her that if  
11 the Committee wanted to have the conflict of interest statement, they could disclose it in  
12 ways other than at the beginning of every agenda, such as by including a conflict of interest  
13 statement on the Committee's website or the City's website or both, or they could have it  
14 on the bottom of the agenda.

15           3.124 The allegations contained in paragraph 3.124 are vague and unclear as to  
16 time frame, and therefore Defendant denies the allegations as characterized. By way of  
17 further Answer, to the extent that Plaintiff's allegations relate to publicly available meeting  
18 minutes and recordings, the records speak for themselves.

19           3.125 Defendant denies the allegations as characterized in paragraph 3.125. By  
20 way of further Answer, upon information and belief, Defendant admits that on April 4,  
21 2018, the Committee agreed to have each member declare their interest in the Island Center  
22 Subarea Special Planning Process one time and state at future meetings whether that  
23 interest had changed.

24           3.126 Defendant denies the allegations as characterized in paragraph 3.126. By  
25 way of further Answer, Committee Chair Gale stated she would place on future agendas  
26 "statements of interest."

1           3.127 Upon information and belief, Defendant admits Chair Gale was a member of  
2 the Bainbridge Island Ethics Board in April 2018.

3           3.128 Defendant denies the allegations as characterized in paragraph 3.128. By  
4 way of further Answer, Plaintiff stated, “*Let’s call it conflicts of interest at the beginning.*”  
5 Chair Gale responded, “*I think I’m going to call it statement of interest and that way people*  
6 *can say—.*” And Plaintiff retorted, “*well, I don’t want to argue with you, I just want to*  
7 *follow the code.*”

8           3.129 The allegations contained in paragraph 3.129 are vague and unclear as to  
9 time frame, and therefore Defendant denies the allegations as characterized. By way of  
10 further Answer, to the extent that Plaintiff’s allegations relate to publicly available meeting  
11 minutes and recordings, the records speak for themselves. Upon information and belief,  
12 Defendant admits that Committee agendas in late 2018 included the term, “Conflict of  
13 Interest Disclosure” along with Call to Order and Agenda Review as the first item of  
14 business. Still, the Committee meeting minutes are not verbatim reports of the Committee  
15 meetings and contain various terms, including “statements of interest” and other variations  
16 of similar terminology.

17           3.130 The allegations contained in paragraph 3.130 are vague, and Defendant  
18 denies the allegations as characterized. By way of further Answer, to the extent that  
19 Plaintiff’s allegations relate to publicly available meeting minutes and recordings, the  
20 records speak for themselves.

21           3.131 Defendant denies the allegations as characterized in paragraph 3.131. By  
22 way of further Answer, individual volunteer members of committees do not automatically  
23 have an attorney-client relationship with the City Attorney. Upon information and belief,  
24 Defendant admits that Plaintiff contacted the City Attorney at some point in 2018 and  
25 Jennifer Sutton, along with other members of the committee, pointed out that conflict of  
26 interest disclosures had already been addressed. To the extent that Plaintiff’s allegations

1 relate to publicly available meeting minutes and recordings, the records speak for  
2 themselves.

3 3.132 The allegations contained in paragraph 3.132 are vague and Defendant lacks  
4 sufficient information to confirm or deny the truth of the allegations, and therefore  
5 Defendant denies the allegations as characterized.

6 3.133 The allegations contained in paragraph 3.133 are vague and Defendant lacks  
7 sufficient information to confirm or deny the truth of the allegations, and therefore  
8 Defendant denies the allegations as characterized.

9 3.134 The allegations contained in paragraph 3.134 are vague and Defendant lacks  
10 sufficient information to confirm or deny the truth of the allegations, and therefore  
11 Defendant denies the allegations as characterized.

12 3.135 The allegations contained in paragraph 3.135 are vague and Defendant lacks  
13 sufficient information to confirm or deny the truth of the allegations, and therefore  
14 Defendant denies the allegations as characterized.

15 3.136 The allegations contained in paragraph 3.136 are vague and Defendant lacks  
16 sufficient information to confirm or deny the truth of the allegations, and therefore  
17 Defendant denies the allegations as characterized.

18 3.137 The allegations contained in paragraph 3.137 are vague and Defendant lacks  
19 sufficient information to confirm or deny the truth of the allegations, and therefore  
20 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
21 that Plaintiff's allegations relate to publicly available records, the records speak for  
22 themselves.

23 3.138 The allegations contained in paragraph 3.138 are vague and Defendant lacks  
24 sufficient information to confirm or deny the truth of the allegations, and therefore  
25 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
26 that Plaintiff's allegations relate to publicly available records, the records speak for

1 themselves.

2 3.139 Defendant denies the allegations as characterized in paragraph 3.139.

3 3.140 The allegations contained in paragraph 3.140 are vague and Defendant lacks  
4 sufficient information to confirm or deny the truth of the allegations, and therefore  
5 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
6 that Plaintiff's allegations relate to publicly available records, the records speak for  
7 themselves.

8 3.141 The allegations contained in paragraph 3.141 are vague and Defendant lacks  
9 sufficient information to confirm or deny the truth of the allegations, and therefore  
10 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
11 that Plaintiff's allegations relate to publicly available records, the records speak for  
12 themselves.

13 3.142 The allegations contained in paragraph 3.142 are vague and argumentative,  
14 and Defendant denies the allegations as characterized.

15 3.143 Defendant lacks knowledge sufficient to determine the truth of the  
16 allegations in paragraph 3.143 and therefore cannot admit or deny at this time.

17 3.144 The allegations contained in paragraph 3.144 are vague and argumentative,  
18 and Defendant denies the allegations as characterized.

19 3.145 The allegations contained in paragraph 3.145 are vague and Defendant lacks  
20 sufficient information to confirm or deny the truth of the allegations, and therefore  
21 Defendant denies the allegations as characterized.

22 3.146 The allegations contained in paragraph 3.146 are vague and argumentative,  
23 and Defendant denies the allegations. By way of further Answer, neither the City Attorney  
24 nor the City Clerk are "third parties" with respect to the City.

25 3.147 The allegations contained in paragraph 3.147 consist of a legal conclusion  
26 for which no response is required. To the extent that a response is required, Defendant

1 denies the allegations. By way of further Answer, neither the City Attorney nor the City  
2 Clerk are “third parties” with respect to the City.

3 3.148 Defendant denies the allegations as characterized in paragraph 3.148.  
4 Defendant asserts that Plaintiff is not and has never been a client of the City Attorney,  
5 Joe Levan. At all times relevant to Plaintiff’s claims, Mr. Levan’s client has been the City  
6 of Bainbridge Island.

7 3.149 The allegations contained in paragraph 3.149 consist of an unfounded legal  
8 conclusion, and Defendant denies the allegations as characterized. Plaintiff is not and has  
9 never been a client of the City Attorney, Joe Levan. At all relevant times, Mr. Levan’s  
10 client has been the City of Bainbridge Island. Further, Plaintiff’s allegations in paragraph  
11 3.149 regarding the City’s attorney are baseless and inflammatory, and asserted for no  
12 proper purpose, but rather to harass, cause unnecessary delay, or needlessly increase the  
13 cost of litigation, and unsupported by existing law or by a nonfrivolous argument for  
14 extending, modifying, or reversing existing law in contravention of FED. R. CIV. P. 11.

15 3.150 Defendant lacks knowledge sufficient to determine the truth of the  
16 allegations in paragraph 3.150 and therefore denies the same. By way of further Answer,  
17 Defendant denies the City Attorney engaged in any conduct causing emotional distress.

18 3.151 Defendant denies the allegations as characterized in paragraph 3.151.

19 3.152 Defendant lacks knowledge sufficient to determine the truth of the  
20 allegations in paragraph 3.152 and therefore denies the same. By way of further Answer, to  
21 the extent that Plaintiff’s allegations relate to publicly available records, the records speak  
22 for themselves.

23 3.153 Upon information and belief, Defendant admits the City Manager at the  
24 time, Morgan Smith, sent an email dated November 15, 2019 to Plaintiff. Defendant denies  
25 the remaining allegations contained in paragraph 3.153. By way of further Answer, to the  
26 extent that Plaintiff’s allegations relate to publicly available records, the records speak for

1 themselves.

2 3.154 Defendant denies the allegations as characterized in paragraph 3.154. By  
3 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
4 meeting minutes and records, the records speak for themselves.

5 3.155 Defendant denies the allegations as characterized in paragraph 3.155. By  
6 way of further Answer, agendas after April 4, 2018 reflected a standing agenda item for  
7 "Conflict Disclosure" and the chair called for any changes in status or similar issues in  
8 Committee meetings after April 4, 2018.

9 3.156 The allegations contained in paragraph 3.156 are vague and Defendant lacks  
10 sufficient information to confirm or deny the truth of the allegations, and therefore  
11 Defendant denies the allegations as characterized. By way of further Answer, at the June 6,  
12 2018 Committee meeting, Plaintiff stated, *"The COBI ethics program requires all*  
13 *committees comply with it according to its terms. It requires conflict of interest statements*  
14 *showing any benefit a committee member might gain from the committee's work and*  
15 *requires the committee actually vote before allowing that member to discuss or vote on a*  
16 *particular topic if they could benefit from it. I spoke to the city attorney regarding the*  
17 *information that has been transmitted to us by staff regarding whether—regarding our not*  
18 *being subject to the ethics program because we don't make decisions. And I asked him*  
19 *about that. He said he did not advise the staff of that—with that particular statement. He*  
20 *said no committee is exempt from the program but he also is not someone who advises on*  
21 *the program because it's a program; it's not a statute, it's not a code section. So*  
22 *essentially, he said he doesn't really have any comment on the application of the program.*  
23 *It's enforced by the board, the ethic's board, and then by city council."* To the extent that  
24 Plaintiff's allegations relate to publicly available meeting minutes and records, the records  
25 speak for themselves. By way of further Answer, to the extent that Plaintiff's allegations  
26 relate to publicly available records, the records speak for themselves.

1           3.157 The allegations contained in paragraph 3.157 are vague and Defendant lacks  
2 sufficient information to confirm or deny the truth of the allegations, and therefore  
3 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
4 that Plaintiff's allegations relate to publicly available records, the records speak for  
5 themselves.

6           3.158 The allegations contained in paragraph 3.158 are vague and argumentative,  
7 and Defendant lacks sufficient information to confirm or deny the truth of the allegations  
8 and therefore denies the allegations as characterized. By way of further Answer, to the  
9 extent that Plaintiff's allegations relate to publicly records, the records speak for  
10 themselves.

11           3.159 The allegations contained in paragraph 3.159 are vague and Defendant lacks  
12 sufficient information to confirm or deny the truth of the allegations, and therefore  
13 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
14 that Plaintiff's allegations relate to publicly available records, the records speak for  
15 themselves.

16           3.160 The allegations contained in paragraph 3.160 are vague and Defendant lacks  
17 sufficient information to confirm or deny the truth of the allegations, and therefore  
18 Defendant denies the allegations as characterized. By way of further Answer, to the extent  
19 that Plaintiff's allegations relate to publicly available records, the records speak for  
20 themselves.

21           3.161 The allegations contained in paragraph 3.161 are vague and argumentative,  
22 and Defendant denies the allegations as characterized. By way of further Answer, to the  
23 extent that Plaintiff's allegations relate to publicly available records, the records speak for  
24 themselves.

25           3.162 The allegations contained in paragraph 3.162 are vague and argumentative,  
26 and Defendant lacks sufficient information to confirm or deny the truth of the allegations

1 and therefore denies the allegations as characterized. By way of further Answer, to the  
2 extent that Plaintiff's allegations relate to publicly available records, the records speak for  
3 themselves.

4 3.163 The allegations contained in paragraph 3.163 are vague and argumentative,  
5 and Defendant lacks sufficient information to confirm or deny the truth of the allegations  
6 and therefore denies the allegations as characterized. By way of further Answer, to the  
7 extent that Plaintiff's allegations relate to publicly available records, the records speak for  
8 themselves.

9 3.164 The allegations contained in paragraph 3.164 are vague and argumentative,  
10 and Defendant lacks sufficient information to confirm or deny the truth of the allegation as  
11 characterized, and therefore denies the same. By way of further Answer, to the extent that  
12 Plaintiff's allegations relate to publicly available records, the records speak for themselves.

13 3.165 Defendant denies the allegations in paragraph 3.165 as characterized. By  
14 way of further Answer, upon information and belief, Defendant admits that Chair Gale said  
15 "Here you go, Lisa" at the December 16, 2020 Committee meeting.

16 3.166 Defendant denies the allegations in paragraph 3.166 as characterized.

17 3.167 Defendant denies the allegations in paragraph 3.167 as characterized.

18 3.168 Upon information and belief, Defendant admits Plaintiff has shared opinions  
19 regarding a number of topics with the Committee, the city council, mayor, and city manager  
20 at various times since August 2018. Defendant denies the remaining allegations as  
21 characterized. By way of further Answer, Defendant denies that the Committee or City  
22 have engaged in any conduct that constituted "failures"—or that Plaintiff's communicated  
23 opinions alleged any such failures.

24 3.169 The allegations contained in paragraph 3.169 are vague as to time frame and  
25 context, argumentative, and Defendant lacks sufficient information to confirm or deny the  
26 truth of the allegations and therefore denies the allegations as characterized.

1           3.170 Upon information and belief, Defendant admits the allegations contained in  
2 paragraph 3.170.

3           3.171 The allegations contained in paragraph 3.171 are vague and argumentative,  
4 and Defendant lacks sufficient information to confirm or deny the truth of the allegations  
5 and therefore denies the allegations as characterized. By way of further Answer, to the  
6 extent that Plaintiff's allegations relate to publicly available records, the records speak for  
7 themselves.

8           3.172 The allegations contained in paragraph 3.172 are vague and argumentative,  
9 and Defendant lacks sufficient information to confirm or deny the truth of the allegations  
10 and therefore denies the allegations as characterized. By way of further Answer, to the  
11 extent that Plaintiff's allegations relate to publicly available records, the records speak for  
12 themselves.

13           3.173 The allegations contained in paragraph 3.173 are vague as to the context and  
14 formality of the "vote" referenced; Defendant lacks sufficient information to confirm or  
15 deny the allegations as characterized, and therefore denies the same.

16           3.174 Upon information and belief, Defendant admits Plaintiff drafted notes for the  
17 minutes of the December 5, 2017, January 17, and February 7 meetings. Defendant denies  
18 the remaining allegations in paragraph 3.174 as characterized.

19           3.175 Upon information and belief, Defendant admits the Committee discussed  
20 what form of minutes would be taken at Committee minutes at the December 5, 2017,  
21 which included a discussion questioning whether verbatim form of minutes were necessary  
22 or required because the meetings were recorded. By way of further Answer, Chair Gale and  
23 Ms. Sutton were present and engaged in this discussion. Defendant denies the remaining  
24 allegations as characterized in 3.175.

25           3.176 Defendant denies the allegations as characterized in paragraph 3.176. By  
26 way of further Answer, the February 21, 2018 Committee minutes included the following:

1 “Lisa Neal submitted (via Jennifer Sutton) updates to the December 5, 2017 meeting notes.  
 2 It was recognized by the committee that Lisa Neal’s notes/updates for the minutes of the  
 3 January 17, 2018 and February 7, 2018 meetings were helpful to the committee members  
 4 but not to be included in the official minutes as the audio recordings of the meetings are the  
 5 official minutes and can be accessed via the City’s website. The January 17, 2018 and  
 6 February 7, 2018 minutes were approved as distributed.”

7 3.177 Defendant lacks sufficient information to confirm or deny the allegations  
 8 contained in paragraph 3.177 and therefore denies the allegations as characterized. By way  
 9 of further Answer, to the extent that Plaintiff’s allegations relate to publicly available  
 10 records, the records speak for themselves.

11 3.178 Defendant lacks sufficient information to confirm or deny the truth of the  
 12 allegations in paragraph 3.178 and therefore denies the allegations as characterized. By  
 13 way of further Answer, to the extent that Plaintiff’s allegations relate to publicly available  
 14 records, the records speak for themselves.

15 3.179 Defendant lacks sufficient information to confirm or deny the truth of the  
 16 allegations in paragraph 3.179 and therefore denies the allegations as characterized. By  
 17 way of further Answer, to the extent that Plaintiff’s allegations relate to publicly available  
 18 records, the records speak for themselves.

19 3.180 Defendant denies the allegations as characterized in paragraph 3.180. By  
 20 way of further Answer, upon information and belief, Defendant admits “Vice Chair Neal  
 21 asked if the work plan should be completed first in order to assign roles and provide  
 22 direction for the committee. Chair Gale advised one was not needed.” *Island Center*  
 23 *Subarea Process Steering Committee Minutes April 18, 2018.*

24 3.181 Defendant denies the allegations as characterized in paragraph 3.181. Upon  
 25 information and belief, Defendant admits Chair Gale advised that a work plan was not  
 26 needed prior to assigning roles for committee members.

1 3.182 Upon information and belief, Defendant admits the allegations in paragraph  
2 3.182.

3 3.183 The allegations in paragraph 3.183 are vague as to timeframe and context,  
4 argumentative, and Defendant lacks sufficient information to confirm or deny the truth of  
5 the allegations and therefore denies the allegations as characterized. By way of further  
6 Answer, to the extent that Plaintiff's allegations relate to publicly available records, the  
7 records speak for themselves.

8 3.184 The allegations in paragraph 3.184 are vague as to timeframe and context,  
9 and Defendant lacks sufficient information to confirm or deny the truth of the allegations  
10 and therefore denies the allegations as characterized.

11 3.185 Defendant lacks sufficient information to confirm or deny the allegations  
12 contained in paragraph 3.185 and therefore denies the same. By way of further Answer,  
13 upon information and belief, Defendant admits that Committee members requested input  
14 regarding contracting a Committee consultant.

15 3.186 Defendant denies the allegations as characterized in paragraph 3.186. By  
16 way of further Answer, the decision to contract with consultants was made by the City  
17 Council. The City issued a Request for Qualifications and an interview committee to make  
18 a recommendation to the City Council. The interview committee included Jennifer Sutton,  
19 Mike Michael, Gary Christensen, and Maradel Gale. To the extent that Plaintiff's  
20 allegations relate to publicly available records, the records speak for themselves.

21 3.187 The allegations contained in paragraph 3.187 are vague, unclear, and  
22 argumentative, and Defendant lacks sufficient information to confirm or deny the  
23 allegations as characterized and therefore denies the same.

24 3.188 Defendant denies the allegations as characterized in paragraph 3.188. By  
25 way of further Answer, upon information and belief, Defendant admits Christensen told the  
26 Committee that consultants had been contracted at the March 21, 2018 meeting and several

1 Committee members voiced a desire to be involved in the determination of what the  
2 consultants would be doing for the Committee and requested information regarding the  
3 selection process.

4 3.189 Defendant lacks sufficient information to confirm or deny the truth of the  
5 allegations in paragraph 3.189 and therefore denies the allegations as characterized. By  
6 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
7 records, the records speak for themselves.

8 3.190 Defendant lacks sufficient information to confirm or deny the truth of the  
9 allegations in paragraph 3.190 and therefore denies the allegations as characterized. By  
10 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
11 records, the records speak for themselves.

12 3.191 Defendant lacks sufficient information to confirm or deny the truth of the  
13 allegations in paragraph 3.191 and therefore denies the allegations as characterized. By  
14 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
15 records, the records speak for themselves.

16 3.192 Defendant lacks sufficient information to confirm or deny the truth of the  
17 allegations in paragraph 3.192 and therefore denies the allegations as characterized. By  
18 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
19 records, the records speak for themselves.

20 3.193 Defendant lacks sufficient information to confirm or deny the truth of the  
21 allegations in paragraph 3.193 and therefore denies the allegations as characterized. By  
22 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
23 records, the records speak for themselves.

24 3.194 Defendant denies the allegations as characterized in paragraph 3.194. By  
25 way of further Answer, upon information and belief, Defendant admits that Christensen  
26 provided suggestions for the Committee to proceed with the Island Center Subarea Planning

1 Process at the April 4, 2018 meeting. By way of further Answer, to the extent that  
2 Plaintiff's allegations relate to publicly available records, the records speak for themselves.

3 3.195 Defendant denies that Christensen admonished the committee during the  
4 April 4, 2018 meeting. Defendant lacks knowledge sufficient to determine the truth of the  
5 remaining allegations as characterized in paragraph 3.195. By way of further Answer, to  
6 the extent that Plaintiff's allegations relate to publicly available records, the records speak  
7 for themselves.

8 3.196 Defendant lacks sufficient information to confirm or deny the truth of the  
9 allegations in paragraph 3.196 and therefore denies the allegations as characterized. By  
10 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
11 records, the records speak for themselves.

12 3.197 Defendant denies the allegations as characterized in paragraph 3.197. By  
13 way of further Answer, upon information and belief, Defendant admits at the April 18,  
14 2018 Committee meeting, Plaintiff raised a point of order regarding whether a vote should  
15 be held to determine whether discussing the vision statement should be added to the  
16 April 18, 2018 agenda. By way of further Answer, several people pointed out that  
17 "Determine Draft Vision Statement for Island Center" was already on the agenda. By way  
18 of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
19 records, the records speak for themselves.

20 3.198 Defendant denies the allegations as characterized in paragraph 3.198. Upon  
21 information and belief, Defendant admits Plaintiff voiced an opinion that the Committee  
22 should have voted to add the vision statement issue to the April 18, 2018 agenda because  
23 the Committee had not discussed the agenda item at the April 4, 2018 meeting. By way of  
24 further Answer, to the extent that Plaintiff's allegations relate to publicly available records,  
25 the records speak for themselves.

1           3.199 Defendant denies the allegations as characterized in paragraph 3.199. By  
2 way of further Answer, upon information and belief, Defendant admits Chair Gale  
3 responded to Plaintiff's concerns regarding the agenda item by noting that the vision  
4 statement issue had already been on the agenda "for weeks and weeks," and Plaintiff  
5 continued to voice her objections and concerns regarding the agenda item issue. By way of  
6 further Answer, to the extent that Plaintiff's allegations relate to publicly available records,  
7 the records speak for themselves.

8           3.200 Defendant denies the allegations as characterized in paragraph 3.200. By  
9 way of further Answer, upon information and belief, Defendant admits Michael Loverich  
10 agreed that the committee should address the vision statement draft again and moved that  
11 the Committee revise the Committee's direction regarding the vision statement, and this  
12 motion passed by a majority vote. By way of further Answer, to the extent that Plaintiff's  
13 allegations relate to publicly available records, the records speak for themselves.

14           3.201 Defendant denies the allegations in paragraph 3.201 as characterized. By  
15 way of further Answer, the April 18, 2018 meeting minutes address the concerns raised by  
16 Plaintiff and Mr. Loverich, and they provide that Mr. Loverich's motion passed with a  
17 majority. By way of further Answer, to the extent that Plaintiff's allegations relate to  
18 publicly available records, the records speak for themselves.

19           3.202 Defendant lacks sufficient information to confirm or deny the truth of the  
20 allegations in paragraph 3.202 and therefore denies the allegations as characterized. By  
21 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
22 records, the records speak for themselves.

23           3.203 Defendant lacks sufficient information to confirm or deny the truth of the  
24 allegations in paragraph 3.203 and therefore denies the allegations as characterized. By  
25 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
26 records, the records speak for themselves.

1           3.204 Defendant lacks sufficient information to confirm or deny the truth of the  
2 allegations in paragraph 3.204 and therefore denies the allegations as characterized. By  
3 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
4 records, the records speak for themselves.

5           3.205 Defendant lacks sufficient information to confirm or deny the truth of the  
6 allegations in paragraph 3.205 and therefore denies the allegations as characterized. By  
7 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
8 records, the records speak for themselves.

9           3.206 Defendant lacks sufficient information to confirm or deny the truth of the  
10 allegations in paragraph 3.206 and therefore denies the allegations as characterized. By  
11 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
12 records, the records speak for themselves.

13           3.207 Defendant lacks sufficient information to confirm or deny the truth of the  
14 allegations in paragraph 3.207 and therefore denies the allegations as characterized. By  
15 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
16 records, the records speak for themselves.

17           3.208 Defendant lacks sufficient information to confirm or deny the truth of the  
18 allegations in paragraph 3.208 and therefore denies the allegations as characterized. By  
19 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
20 records, the records speak for themselves.

21           3.209 The allegations in paragraph 3.209 are argumentative and vague as to the  
22 meaning of "notice" and therefore Defendant denies the allegations as characterized.

23           3.210 Upon information and belief, Defendant admits the August 14, 2018 City  
24 Council meeting agenda included a motion to remove a citizen from a committee, and the  
25 agenda item did not name the person to be removed or the committee from which the  
26 person was to be removed. By way of further Answer, to the extent that Plaintiff's

1 allegations relate to publicly available records, the records speak for themselves.

2 3.211 Upon information and belief, Defendant admits then-Councilmember Peltier  
3 stated at the August 14, 2018 City Council meeting that he had spoken to Plaintiff earlier  
4 that day. Defendant lacks knowledge sufficient to determine the truth of the remaining  
5 allegations in paragraph 3.211 and therefore cannot admit or deny at this time. By way of  
6 further Answer, to the extent that Plaintiff's allegations relate to publicly available records,  
7 the records speak for themselves.

8 3.212 Upon information and belief, Defendant admits then-Councilmember Peltier  
9 stated at the August 14, 2018 City Council meeting, "*I encouraged her to be more*  
10 *diplomatic*" when describing his conversation with Plaintiff referenced in paragraph 3.211.  
11 Defendant lacks sufficient information to determine the truth of the remaining allegations as  
12 characterized in paragraph 3.212 and therefore cannot admit or deny at this time. By way of  
13 further Answer, to the extent that Plaintiff's allegations relate to publicly available records,  
14 the records speak for themselves.

15 3.213 Defendant lacks knowledge sufficient to determine the truth of the  
16 allegations as characterized in paragraph 3.213 and therefore cannot admit or deny at this  
17 time.

18 3.214 Defendant lacks knowledge sufficient to determine the truth of the  
19 allegations as characterized in paragraph 3.214 and therefore cannot admit or deny at this  
20 time.

21 3.215 Defendant lacks knowledge sufficient to determine the truth of the  
22 allegations as characterized in paragraph 3.215 and therefore cannot admit or deny at this  
23 time. By way of further Answer, Mr. Medina is no longer serving as Mayor of Bainbridge  
24 Island.

25 3.216 Defendant lacks knowledge sufficient to determine the truth of the  
26 allegations as characterized in paragraph 3.216 and therefore cannot admit or deny at this

1 time. By way of further Answer, Mr. Medina is no longer serving as Mayor of Bainbridge  
2 Island.

3 3.217 Defendant lacks knowledge sufficient to determine the truth of the  
4 allegations as characterized in paragraph 3.217 and therefore cannot admit or deny at this  
5 time. By way of further Answer, Ms. Blossom no longer serves as a City Councilmember  
6 for Bainbridge Island.

7 3.218 The allegations in paragraph 3.218 purport to summarize a legal conclusion,  
8 and therefore do not require a response. To the extent that an Answer is required, Defendant  
9 lacks knowledge sufficient to determine the truth of the allegations in paragraph 3.218 as  
10 characterized and therefore cannot admit or deny at this time. To the extent that Plaintiff's  
11 allegations relate to publicly available records, the records speak for themselves.

12 3.219 Defendant denies the allegations as characterized in paragraph 3.219.

13 3.220 The allegations in paragraph 3.220 purport to summarize a legal conclusion,  
14 and therefore do not require a response. To the extent that a response is required, Defendant  
15 denies the allegations as characterized.

16 3.221 Defendant denies the allegations as characterized in paragraph 3.221. By  
17 way of further Answer, upon information and belief, Defendant admits a City Council  
18 meeting occurred on August 14, 2018 during which some members of the Bainbridge Island  
19 City Council, as well as members of the public, engaged in speech and debate, including  
20 stated opinions regarding Plaintiff and others, and that the meeting was conducted in  
21 accordance with the requirements of the Open Public Meetings Act and the BIMC.  
22 Defendant denies the remaining allegations as characterized.

23 3.222 Defendant denies the allegations as characterized in paragraph 3.222. By  
24 way of further Answer, then-Mayor Kol Medina stated during an August 14, 2018 City  
25 Council meeting: *"anyone serving on any of the committees serves at the pleasure of the*  
26 *Council, and we can remove them if we feel like they are, for whatever reason, disrupting*

1 *the committee, not acting appropriately—we have reasons to—some councilmembers*  
2 *anyway have expressed reasons to believe this person should be removed from the*  
3 *committee.” This record speaks for itself.*

4 3.223 Defendant denies the allegations as characterized in paragraph 3.223. By  
5 way of further Answer, upon information and belief, Defendant admits that after making  
6 the statement in paragraph 3.222, then-Mayor Kol Medina stated during an August 14, 2018  
7 City Council meeting: *“Would anyone like to make a motion to that effect?”* This record  
8 speaks for itself.

9 3.224 The allegations in paragraph 3.224 are vague and conclusory, including  
10 related to what is meant by “implied to the public,” and Defendant therefore denies the  
11 allegations as characterized.

12 3.225 The allegations in paragraph 3.225 purport to summarize a legal conclusion,  
13 and therefore do not require a response. To the extent that a response is required, Defendant  
14 denies the allegations as characterized.

15 3.226 Upon information and belief, Defendant admits the allegations in paragraph  
16 3.226.

17 3.227 Defendant denies the allegations as characterized in paragraph 3.227. Upon  
18 information and belief, Defendant admits that, during the August 14, 2018 meeting, then-  
19 Councilmember Blossom stated: *“I didn’t even know this was on the agenda until Ron*  
20 *called me, and at that point, we weren’t even sure who it was about because as you know*  
21 *there’s another committee member on the agenda. And so, yeah, it does feel strange that*  
22 *it’s being referred to as my recommendation because I was hoping to work this situation*  
23 *out.”* This record speaks for itself.

24 3.228 Defendant denies the allegations as characterized in paragraph 3.228. By  
25 way of further Answer, during the August 14, 2018 meeting, Ms. Blossom stated: *“I think*  
26 *it’s an important note that the planning director at one point in this process attempted to*

1 *have a conversation early on when it was apparent there was some conflict, and this person*  
 2 *refused to meet with him. But yeah, I'm very conflicted because my preference is to try to*  
 3 *make it work, but I do think that we—and Gary's had more conversations I think with*  
 4 *committee members than I have—I think we're at risk of losing our chair, we've had some*  
 5 *committee members resign because of this. So it's—really at this point I think more*  
 6 *prioritizing, as someone said, the health and functioning of the committee over this*  
 7 *person's participation in it I guess is a way to put it. She's an important voice; I'm sure she*  
 8 *will stay involved in the meetings and let us hear that voice."* This record speaks for itself.

9 3.229 Defendant denies the allegations as characterized in paragraph 3.229.

10 3.230 Defendant denies the allegations as characterized in paragraph 3.230. By  
 11 way of further Answer, upon information and belief, Defendant admits some Committee  
 12 members who resigned from the Island Center Subarea Planning Steering Committee  
 13 publicly provided various reasons for resigning.

14 3.231 The allegations in paragraph 3.231 are vague and unclear regarding context,  
 15 and therefore Defendant denies the allegations as characterized. By way of further Answer,  
 16 to the extent that paragraph 3.231 refers to a publicly available record, the record speaks for  
 17 itself.

18 3.232 The allegations in paragraph 3.232 are vague and unclear regarding context,  
 19 and Defendant therefore denies the allegations as characterized. By way of further Answer,  
 20 to the extent that paragraph 3.232 refers to a publicly available record, the record speaks for  
 21 itself.

22 3.233 Upon information and belief, Defendant admits the allegations in paragraph  
 23 3.233.

24 3.234 Defendant lacks knowledge sufficient to determine the truth of the  
 25 allegations in paragraph 3.234 and therefore cannot admit or deny at this time.

1           3.235 Upon information and belief, Defendant admits Plaintiff called then-  
2 Councilmember Blossom on or around July 11, 2018. Defendant lacks sufficient  
3 knowledge to determine the truth of the remaining allegations in paragraph 3.235 and  
4 therefore cannot admit or deny at this time. By way of further Answer, Ms. Blossom no  
5 longer serves on the Bainbridge Island City Council.

6           3.236 Defendant lacks sufficient information to confirm or deny the truth of the  
7 allegations in paragraph 3.236 and therefore denies the allegations as characterized.

8           3.237 Defendant lacks sufficient information to confirm or deny the truth of the  
9 allegations in paragraph 3.237 and therefore denies the allegations as characterized.

10          3.238 Defendant lacks sufficient information to confirm or deny the truth of the  
11 allegations in paragraph 3.238 and therefore denies the allegations as characterized.

12          3.239 Upon information and belief, Defendant admits Plaintiff sent an email to  
13 then-Councilmember Blossom dated February 27, 2019. The document speaks for itself.  
14 Defendant lacks sufficient knowledge to determine the truth of the remaining allegations in  
15 paragraph 3.239 and therefore cannot admit or deny at this time. By way of further Answer,  
16 Ms. Blossom no longer serves on the Bainbridge Island City Council.

17          3.240 Upon information and belief, Defendant admits the allegations in paragraph  
18 3.240.

19          3.241 Upon information and belief, Defendant admits the allegations in paragraph  
20 3.241. By way of further Answer, to the extent that this allegation relates to a public record,  
21 the document speaks for itself.

22          3.242 Defendant denies the allegations as characterized in paragraph 3.242. By  
23 way of further Answer, upon information and belief, Defendant admits Mr. Christensen  
24 answered questions of City Councilmember as requested during an August 14, 2018 City  
25 Council meeting. The record speaks for itself.

3.243 Defendant denies the allegations as characterized in paragraph 3.243. By way of further Answer, Mr. Christensen stated during the City Council meeting: *“I can’t say that that’s the sole reason. I think it has been something on committee members’ minds. I think it’s been a stressful committee at times because of some of the agitation and kind of the controversy and decisiveness—but I can’t absolutely say that those members that have resigned is because of another member. That could have contributed, but there could have been other reasons as well.”* The record of the meeting speaks for itself.

3.244 Defendant denies the allegations as characterized in paragraph 3.244. Upon information and belief, Defendant admits Mr. Christensen, the City’s Planning Director at the time, had suggested meeting with Ms. Neal on or about April 18, 2018. Defendant denies the remaining allegations in paragraph.

3.245 Defendant denies the allegations as characterized in paragraph 3.245. Upon information and belief, Defendant admits the Committee voted on April 4, 2018 meeting to distribute an “issue list” to the public, solicit input, and then draft a vision statement. To the extent that this paragraph refers to information accessible through publicly available records, the records speak for themselves.

3.246 Defendant denies the allegations as characterized in paragraph 3.246. By way of further Answer, the April 18, 2018 Committee Agenda included, “Determine DRAFT Vision Statement for Island Center” on April 18, 2018.

3.247 Defendant denies the allegations as characterized in paragraph 3.247.

3.248 Defendant denies the allegations as characterized in paragraph 3.248.

3.249 Defendant lacks sufficient information to confirm or deny the allegations in paragraph 3.249 as characterized and therefore denies the same.

3.250 Upon information and belief, Defendant admits then-Councilmember Blossom encouraged Plaintiff to meet with her and Mr. Christensen. Defendant denies the remaining allegations as characterized in paragraph 3.250.

3.251 Defendant lacks sufficient information to confirm or deny the allegations as characterized in paragraph 3.251 and therefore denies the same.

3.252 Defendant lacks sufficient information to confirm or deny the allegations as characterized in paragraph 3.252 and therefore denies the same.

3.253 Defendant lacks sufficient information to confirm or deny the allegations as characterized in paragraph 3.253 and therefore denies the same.

3.254 Defendant lacks sufficient information to confirm or deny the allegations as characterized in paragraph 3.254 and therefore denies the same.

3.255 Defendant denies the allegations in paragraph 3.255 as vague. Upon information and belief, Christensen and others at the meeting addressed Plaintiff's objections to the April 18, 2018 agenda and the agenda amendment process at length. To the extent that this paragraph relates to information contained in publicly available records, the records speak for themselves.

3.256 Defendant denies the allegations as characterized in paragraph 3.256. Defendant admits then-Councilmember Blossom stated during the August 14, 2018 City Council meeting, "*we're at risk of losing our Chair,*" that Maradel Gale was the Chair of the Island Center Subarea Planning Committee at the time, and that Ms. Blossom had made a motion to remove Plaintiff from the Committee during the Council meeting.

3.257 Defendant denies the allegations as characterized in paragraph 3.257. Defendant admits then-Councilmember Blossom stated: "*To answer Rasham's question: no there hasn't been a final warning.*"

3.258 Defendant denies the allegations as characterized in paragraph 3.258. Upon information and belief, Defendant admits Plaintiff had previously had conversation with then-Councilmember Blossom regarding her opinions about the Committee.

3.259 The allegations in paragraph 3.259 are vague and unclear as to timeframe and context and therefore Defendant denies the allegations as characterized.

1           3.260 Upon information and belief, Defendant admits Plaintiff engaged in a  
2 telephone call with then-Councilmember Blossom on or about July 11, 2018. Defendant  
3 further lacks knowledge sufficient to determine the truth of the allegations in paragraph  
4 3.260 and therefore cannot admit or deny at this time. Ms. Blossom no longer serves on the  
5 Bainbridge Island City Council.

6           3.261 Defendant denies the allegations as characterized in paragraph 3.261. Upon  
7 information and belief, Defendant admits Plaintiff engaged in a private telephone call with  
8 then-Councilmember Blossom on or about July 11, 2018 but denies Ms. Blossom made  
9 “promises” to Plaintiff.

10          3.262 Upon information and belief, Defendant admits the allegations contained in  
11 paragraph 3.262.

12          3.263 Defendant lacks sufficient information to confirm or deny the truth of the  
13 allegations as characterized in paragraph 3.263 and therefore denies the same.

14          3.264 Defendant lacks knowledge sufficient to determine the truth of the  
15 allegations in paragraph 3.264 and therefore cannot admit or deny at this time.

16          3.265 Defendant denies the allegations as characterized in paragraph 3.265. Upon  
17 information and belief, Defendant admits then Ms. Blossom addressed her conversation  
18 with Plaintiff on July 11, 2018, and Ms. Blossom communicated Plaintiff’s concerns.  
19 Defendant denies the remaining allegations in paragraph 3.265. By way of further Answer,  
20 the Committee discussed whether it was appropriate that Plaintiff had used her city email  
21 address provided to her as a volunteer member of the Committee to send a mass email to  
22 the public regarding her personal grievances.

23          3.266 Defendant lacks sufficient information to confirm or deny the allegations in  
24 paragraph 3.266 and therefore denies the same.

25          3.267 Upon information and belief, Defendant admits the allegation in paragraph  
26 3.267.

1           3.268 The allegations in paragraph 3.268 are vague and argumentative and  
2 therefore Defendant denies the allegations as characterized.

3           3.269 Defendant denies the allegations as characterized in paragraph 3.269.

4           3.270 Defendant lacks sufficient knowledge to confirm or deny the allegations as  
5 characterized in paragraph 3.270 and therefore denies the same.

6           3.271 Upon information and belief, Defendant admits the allegations in paragraph  
7 3.271. To the extent that this paragraph relates to information contained in a public record,  
8 the record speaks for itself.

9           3.272 Upon information and belief, Defendant admits the allegations in paragraph  
10 3.272. By way of further Answer, the Committee did not have authority to remove  
11 members from the Committee; only the City Council could remove a Committee member.

12           3.273 The allegations in paragraph 3.723 are vague and unclear and Defendant  
13 lacks sufficient knowledge to confirm or deny the allegations as characterized in paragraph  
14 3.273 and therefore denies the same.

15           3.274 The allegations in paragraph 3.274 are vague as to timeframe and  
16 argumentative and Defendant denies the allegations as characterized.

17           3.275 The allegations in paragraph 3.275 are vague and argumentative and  
18 Defendant denies the allegations as characterized.

19           3.276 Defendant denies the allegations as characterized in paragraph 3.276. By  
20 way of further Answer, Defendant admits the mayor permitted public comment at the  
21 August 14, 2018 City Council meeting.

22           3.277 Defendant denies the allegations as characterized in paragraph 3.277. By  
23 way of further Answer, Defendant admits Jon Quitslund did not state that he was also a  
24 volunteer member of the Planning Commission, and that his comments included the  
25 following opinion: *“I’ve heard about abuse of Jennifer Sutton that was ugly and just totally*  
26 *inappropriate; I think it’s appropriate for the Council to do what’s difficult here.”* This

1 record speaks for itself. By way of further Answer, Defendant asserts Mr. Quitslund was  
2 not authorized to speak on behalf of the City of Bainbridge Island.

3 3.278 Defendant denies the allegations as characterized in paragraph 3.278. By  
4 way of further Answer, Defendant admits Jon Quitslund provided public comment during  
5 the August 14, 2018 City Council meeting and that his comments included opinions: *“I’m*  
6 *very interested in a solution to a problem. I don’t have direct knowledge of the individual,*  
7 *I’ve just heard things that were upsetting to me because they seemed to be threatening a*  
8 *kind of disfunction in a very touchy and important process.”* By way of further Answer,  
9 Defendant asserts Mr. Quitslund was not authorized to speak on behalf of the City of  
10 Bainbridge Island.

11 3.279 Defendant denies the allegations as characterized in paragraph 3.279.  
12 Defendant admits Jon Quitslund provided public comment during the August 14, 2018 City  
13 Council meeting and that his comments included opinions: *“We can expect difficulties, but*  
14 *if it’s just impossible to sort out difficulties in this planning process, which seems to be at*  
15 *times the case, that there’s just so much disruption and so much blocking of even the*  
16 *description of where we’re going and how—and what’s at stake...”* By way of further  
17 Answer, Defendant asserts Mr. Quitslund was not authorized to speak on behalf of the City  
18 of Bainbridge Island.

19 3.280 Defendant denies the allegations as characterized in paragraph 3.280. By  
20 way of further Answer, Defendant admits Jon Quitslund provided public comment during  
21 the August 14, 2018 City Council meeting and that his comments included opinions: *“I*  
22 *heard Leslie speaking very well about the importance of a process that is as smooth as*  
23 *possible and as rational as possible, and it seems that there is a threat of irrationality in*  
24 *this.”* By way of further Answer, Defendant asserts Mr. Quitslund is a citizen of the City of  
25 Bainbridge Island and is not authorized to speak on behalf of the City of Bainbridge Island.

26 3.281 The allegations in paragraph 3.281 are vague and unclear, and Defendant

1 lacks sufficient knowledge to confirm or deny the allegations in paragraph 3.281 and  
2 therefore denies the same.

3 3.282 The allegations in paragraph 3.282 are vague and argumentative and  
4 Defendant denies the allegations as characterized.

5 3.283 The allegations in paragraph 3.283 are vague and argumentative and  
6 Defendant denies the allegations as characterized.

7 3.284 Defendant admits then-Mayor Kol Medina did not make a statement  
8 regarding Mr. Quitslund's public comment. Defendant denies then-Mayor Kol Medina was  
9 obligated to "halt" or "otherwise interrupt" a citizen's public comment.

10 3.285 Defendant admits the then-Mayor Kol Medina did not make a statement  
11 regarding Mr. Quitslund's public comment. Defendant denies then-Mayor Kol Medina was  
12 obligated to "have diminish[ed]" the "adverse impact" of a citizen's public comment.

13 3.286 Upon information and belief, Defendant admits the allegations in paragraph  
14 3.286.

15 3.287 Paragraph 3.287 alleges merely a legal conclusion to which Defendant is  
16 not required to respond. To the extent that a response is necessary, Defendant denies the  
17 allegations as vague. The applicable provisions in the BIMC speak for themselves.

18 3.288 Defendant lacks knowledge sufficient to determine the truth of the  
19 allegations as characterized in paragraph 3.288 and therefore denies the same.

20 3.289 Defendant lacks knowledge sufficient to determine the truth of the  
21 allegations as characterized in paragraph 3.289 and therefore denies the same.

22 3.290 Defendant lacks knowledge sufficient to determine the truth of the  
23 allegations as characterized in paragraph 3.290 and therefore denies the same.

24 3.291 Defendant lacks knowledge sufficient to determine the truth of the  
25 allegations as characterized in paragraph 3.291 and therefore denies the same.

1           3.292 The allegations in paragraph 3.292 are vague and unclear; Defendant lacks  
2 knowledge sufficient to determine the truth of the allegations in paragraph 3.292 and  
3 therefore denies the same.

4           3.293 Defendant admits the allegations as characterized in paragraph 3.293.

5           3.294 Defendant denies the allegations as characterized in paragraph 3.294. By  
6 way of further Answer, Defendant admits there were discussions regarding demoting a  
7 member of the ETAC committee from his position as chair. To the extent that Plaintiff's  
8 allegations relate to publicly available recordings or minutes, the records speak for  
9 themselves.

10          3.295 Defendant lacks sufficient knowledge to confirm or deny the allegations as  
11 characterized in paragraph 3.295 and therefore denies the allegations as characterized.

12          3.296 Defendant denies the allegations as characterized in paragraph 3.296.

13          3.297 Defendant denies the allegations as characterized in paragraph 3.297. To the  
14 extent that this allegation relates to a public record, the record speaks for itself.

15          3.298 Defendant denies the allegations as characterized in paragraph 3.298. By  
16 way of further Answer, Defendant admits during the August 14, 2018 City Council  
17 meeting, one City Councilmember stated, *"I feel like in the case of—a councilmember*  
18 *bringing this to the full council for action and someone who's served on counsel for 7*  
19 *years—7 years—I think in my opinion deserves the benefit of the doubt and that I would*  
20 *suggest the—you don't have to—but I would suggest the unanimous support of the council."*  
21 To the extent that this allegation relates to a public record, the record speaks for itself.

22          3.299 Defendant lacks knowledge sufficient to determine the truth of the  
23 allegations as characterized in paragraph 3.299 and therefore denies the same.

24          3.300 Upon information and belief, Defendant admits the allegations in paragraph  
25 3.300.

1           3.301 Defendant lacks knowledge sufficient to determine the truth of the  
2 allegations as characterized in paragraph 3.301 and therefore denies the same.

3           3.302 Defendant denies the allegations as characterized in paragraph 3.302.

4           3.303 The allegations in paragraph 3.303 are vague and unclear, and Defendant  
5 lacks sufficient information to confirm or deny the allegations as characterized and  
6 therefore denies the same.

7           3.304 Defendant denies the allegations as characterized in paragraph 3.304. By  
8 way of further Answer, to the extent that Plaintiff's allegations relate to publicly available  
9 minutes and recordings, the public records speak for themselves. Defendant admits that  
10 during the August 14, 2018 City Council meeting, Councilmember Nassar stated: *"I just*  
11 *want to make a point that we can't—unless we can—prevent citizens from attending*  
12 *committee meetings, and I think that as members of the public, they're um allowed to go*  
13 *and to speak their—to speak their mind—and so have we thought through the possibility*  
14 *that by firing a member of the committee, we're—we're exacerbating the problem. If she*  
15 *continues to come to committee meetings, and—I just—my preferred approach to these*  
16 *kinds of solutions is to first try and exhaust all attempts at solving a situation before you*  
17 *block someone out. Because sometimes by blocking someone out, you're achieving more—*  
18 *you're inviting more negativity and more of the issue in as opposed to resolving what you*  
19 *intended to resolve."* The record speaks for itself.

20           3.305 The allegations in paragraph 3.305 are vague and argumentative and  
21 Defendant denies the allegations as characterized.

22           3.306 The allegations in paragraph 3.306 are vague and argumentative, and  
23 Defendant denies the allegations as characterized. Defendant admits then-Councilmember  
24 Blossom responded to Nassar's concern, stating, *"Of course people can still come and*  
25 *speak their mind. And, again, I would say it's not about what she's speaking or her point of*  
26 *views, it's more of how she interacts with other committee members and with staff."* This

1 record speaks for itself.

2 3.307 Defendant lacks knowledge sufficient to determine the truth of the  
3 allegations in paragraph 3.307 and therefore denies the allegations as characterized.

4 3.308 Defendant lacks knowledge sufficient to determine the truth of the  
5 allegations in paragraph 3.308 and therefore denies the allegations as characterized.

6 3.309 Defendant lacks knowledge sufficient to determine the truth of the  
7 allegations in paragraph 3.309 and therefore denies the allegations as characterized.

8 3.310 Defendant lacks knowledge sufficient to determine the truth of whether  
9 Ms. Blossom told Plaintiff, "I do not think it (the removal) was because you are anti-  
10 development" and therefore cannot admit or deny the allegations at this time.

11 3.311 Upon information and belief, Defendant admits the allegations contained in  
12 paragraph 3.311.

13 3.312 Paragraph 3.312 does not contain an allegation of fact and therefore  
14 Defendant is not required to respond. To the extent that a response is required, Defendant  
15 denies the allegations as characterized.

16 3.313 The allegations in paragraph 3.313 are vague and argumentative and  
17 Defendant denies the allegations as characterized.

18 3.314 Defendant lacks sufficient information to confirm or deny the allegations in  
19 paragraph 3.314 and therefore denies the allegations as characterized.

20 3.315 Defendant lacks sufficient information to confirm or deny the allegations in  
21 paragraph 3.315 and therefore denies the allegations as characterized.

22 3.316 Defendant denies the allegations as characterized in paragraph 3.316.  
23 Defendant admits the City Council voted to remove a member of a different committee  
24 from the role of Chair of that committee during the August 14, 2018 City Council meeting.  
25 Defendant denies the remaining allegations in paragraph 3.316. By way of further Answer,  
26 Defendant asserts volunteers appointed to City committees are not employees of the City of

1 Bainbridge Island.

2 3.317 Defendant denies the allegations as characterized in paragraph 3.317.  
 3 Defendant admits the City Council voted to remove member of a different committee from  
 4 the role of Chair of that committee during the August 14, 2018 City Council meeting and  
 5 that the Council did not vote to remove that committee member from that committee. By  
 6 way of further Answer, Defendant asserts volunteers appointed to City committees are not  
 7 employees of the City of Bainbridge Island.

8 3.318 Defendant admits the allegations in paragraph 3.318.

9 3.319 Opinion No. 2018-02 speaks for itself. Defendant denies that the opinion  
 10 referenced Plaintiff or Plaintiff's removal in any way.

11 3.320 Defendant admits the Advisory Opinion contained the following language:

12 *...And when they are, it is incumbent upon the elected official*  
 13 *to meet with the committee member and discuss what*  
 14 *constitutes appropriate behavior in these situations. In the*  
 15 *instant case, it is not clear that such discussions were held.*  
 16 *Normal standards of ethical behavior as they relate to respect*  
 17 *for citizens, fairness in the application of process, and*  
 18 *recognition of the contributions of citizen committee*  
 19 *members, may have been disregarded. This can be a problem*  
 20 *for the city, as it sends a message to other citizens that their*  
*service on a city committee may subject them to hurtful public*  
*rebuke and reprisal without due process – and who wants to*  
*set themselves up for that? It is important to coach and*  
*educate the people who are appointed to city boards,*  
*commissions and committees. The City Council must take*  
*steps to establish a better process for dealing with situations*  
*such as this – a process that is fair, equitable, transparent,*  
*and respectful of the citizens who volunteer for the city.*

21 *Advisory Opinion 2018-02, at 4-5.*

22 3.321 The allegations in paragraph 3.321 are vague and argumentative, and  
 23 Defendant denies the allegations as characterized.

24 3.322 Defendant denies the allegations as characterized in paragraph 3.322.  
 25 Defendant admits the City Council has appointed various persons to the Island Center  
 26 Subarea Plan Steering Committee since August of 2018. Defendant lacks knowledge

1 sufficient to determine the truth of the remaining allegations as characterized and therefore  
2 denies the same.

3 3.323 Upon information and belief, Defendant admits the allegations in paragraph  
4 3.323.

5 3.324 Defendant denies the allegations as characterized in paragraph 3.324.  
6 Defendant admits the Bainbridge Island Review newspaper published a story: *City Hall*  
7 *Gets Flurry of Applicants for Council Seat*. By way of further Answer, Defendant admits  
8 the article included the following statement about Plaintiff:

9 *Two of the candidates hoping for a council appointment,*  
10 *however, have bluntly criticized the council in their*  
11 *application letters. Neal wrote there is the impression ‘that*  
12 *there is a “back room” contingent” running things on the*  
13 *island,’ while Halbrook wrote that policy decisions were*  
14 *being ‘made to maximize economic gain of the few at the*  
15 *expense of the many.’*

16 *Neal, 58, is an attorney who has owned a home on the island*  
17 *for 25 years.*

18 *She previously served the city as vice-chair of the Island*  
19 *Center Subarea Planning Process Steering Committee, but*  
20 *was kicked off the committee by a 5-2 council vote in 2018,*  
21 *after complaints that she was argumentative with other*  
22 *committee members and city staff. Two members of the*  
23 *committee resigned right before Neal was removed, and there*  
24 *were concerns other committee members would quit out of*  
25 *frustration.*

26 *Neal addressed her removal in her application for the council*  
27 *seat, and complained that she had been passed over twice for*  
*a position on the city’s Ethics Board.*

*Her removal was ‘unjustified,’ Neal wrote, and made after*  
*she said the city’s planning director, staff liaison to the*  
*committee, and committee chair had made ‘inaccurate legal*  
*statements.’*

*Neal also complained about the city council’s handling of*  
*ethics complaints against former councilman Ron Peltier and*  
*current Councilwoman Rasham Nassar.*

1 Brian Kelly, *City Hall Gets Flurry of Applications for Council Seat*, BAINBRIDGE ISLAND  
2 REVIEW (Apr. 17, 2020).

3 3.325 Defendant denies the allegations in paragraph 3.325 as vague. To the extent  
4 that the allegation relates to a document that is publicly available, the document speaks for  
5 itself.

6 3.326 Defendant lacks knowledge to confirm or deny the allegations as  
7 characterized in paragraph 3.326 and therefore denies the same.

8 3.327 Defendant lacks knowledge to confirm or deny the allegations as  
9 characterized in paragraph 3.327 and therefore denies the same.

10 3.328 Defendant admits Plaintiff was not selected for appointment to a vacant City  
11 Council seat in 2020. Defendant lacks knowledge sufficient to determine the truth of the  
12 remaining allegations as characterized in paragraph 3.328. By way of further Answer, a  
13 total of six individuals applied for appointment to the vacant seat, which was determined by  
14 vote of the remaining City Council members. Five individuals were also not selected for the  
15 appointment, including Plaintiff.

16 3.329 Upon information and belief, Defendant admits the allegation in paragraph  
17 3.329.

18 3.330 The allegations in paragraph 3.330 are vague, including as to timeframe and  
19 context, and therefore Defendant therefore denies the allegations as characterized.

20 3.331 Defendant denies the allegations as characterized in paragraph 3.331.

21 3.332 Defendant denies the allegations in paragraph 3.332.

22 3.333 Upon information and belief, Defendant admits the allegations in paragraph  
23 3.333.

24 3.334 Defendant lacks sufficient knowledge to determine the truth of the  
25 allegations as characterized in paragraph 3.334 and therefore denies the same.

1           3.335 Defendant lacks sufficient knowledge to determine the truth of the  
2 allegations as characterized in paragraph 3.335 and therefore cannot admit or deny the  
3 allegations at this time.

4           3.336 Defendant admits the allegations in paragraph 3.336.

5           3.337 Defendant lacks sufficient knowledge to determine the truth of the  
6 allegations as characterized in paragraph 3.337 and therefore denies the same. By way of  
7 further Answer, Defendant admits that the former Chair of the Ethics Board resigned as of  
8 December 21, 2020. To the extent that this paragraph alleges facts regarding publicly  
9 available information, the records speak for themselves.

10          3.338 Defendant lacks sufficient knowledge to determine the truth of the  
11 allegations as characterized in paragraph 3.338 and therefore cannot admit or deny the  
12 allegations at this time. By way of further Answer, Defendant admits there were vacancies  
13 on the Ethics Board as of the time Plaintiff filed her Second Amended Complaint.

14          3.339 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
15 allegations as characterized in paragraph 3.339 and therefore cannot confirm or deny at this  
16 time.

17          3.340 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
18 allegations as characterized in paragraph 3.340 and therefore denies the same.

19          3.341 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
20 allegations as characterized in paragraph 3.341 and therefore cannot confirm or deny at this  
21 time.

22          3.342 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
23 allegations as characterized in paragraph 3.342 and therefore cannot confirm or deny at this  
24 time.

25          3.343 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
26 allegations as characterized in paragraph 3.343 and therefore cannot confirm or deny at this

1 time. By way of further Answer, to the extent that Plaintiff's allegations relate to a publicly  
2 available record, the records speak for themselves.

3 3.344 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
4 allegations as characterized in paragraph 3.344 and therefore cannot confirm or deny at this  
5 time.

6 3.345 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
7 allegations as characterized in paragraph 3.345 and therefore cannot confirm or deny at this  
8 time.

9 3.346 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
10 allegations as characterized in paragraph 3.346 and therefore cannot confirm or deny at this  
11 time.

12 3.347 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
13 allegations as characterized in paragraph 3.347 and therefore cannot confirm or deny at this  
14 time.

15 3.348 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
16 allegations as characterized in paragraph 3.348 and therefore denies the allegations as  
17 characterized.

18 3.349 Paragraph 3.349 states only a legal conclusion and therefore Defendant  
19 denies the allegations as characterized.

20 3.350 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
21 allegations in paragraph 3.350 and therefore denies the allegations as characterized.

22 3.351 Paragraph 3.351 states only a legal conclusion and therefore Defendant  
23 denies the allegations as characterized.

24 3.352 Defendant denies the allegations as characterized in paragraph 3.352.

25 3.353 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
26 allegations in paragraph 3.353 and therefore denies the allegations as characterized.

1           3.354 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
2           allegations in paragraph 3.354 and therefore denies the allegations as characterized.

3           3.355 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
4           allegations in paragraph 3.351 and therefore denies the allegations as characterized.

5           3.356 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
6           allegations in paragraph 3.356 and therefore denies the allegations as characterized.

7           3.357 Defendant lacks sufficient knowledge to confirm or deny the truth of the  
8           allegations in paragraph 3.357 and therefore denies the allegations as characterized.

9           3.358 The allegations in paragraph 3.358 are vague as to time and meetings.  
10          Defendant admits that during the COVID-19 pandemic, City meetings were conducted via  
11          Zoom. Defendant denies all other or different allegations as characterized.

12          3.359 Defendant generally admits that materials to be reviewed by the Island  
13          Center Subarea Planning Process Steering Committee are usually included with any agenda,  
14          but that on occasion, presentations might be made at a meeting that the City does not have  
15          in advance. In those circumstances, the City makes efforts to obtain any such materials and  
16          include them with the Committee's approved minutes. To the extent not admitted,  
17          Defendant denies all other or different allegations.

18          3.360 Defendant admits that Plaintiff submitted a request for records via email  
19          from an address for her and her husband (who is counsel for Plaintiff in this matter) to the  
20          City Clerk on December 16, 2020 that asked Defendant to "*Please produce the video and*  
21          *audio Zoom recordings for all Island Center Subarea Planning Process meeting.*" The City  
22          further answers that it responded to the request and assigned the number PRR #20-818 to  
23          the request. To the extent that any allegations in paragraph 3.360 are inconsistent with or  
24          different than the actual request, which speaks for itself, Defendant denies the same. To the  
25          extent not admitted, Defendant denies all other or different allegations.

3.361 Defendant denies the allegations as characterized in paragraph 3.361. By way of further Answer, Defendant admits that after it fully responded to PRR #20-818 (within one business day of receiving the request), Plaintiff asked Defendant to “append PRR 20-818” and to “*Please produce all documents reflecting any decision, policy, directive, or decision to delete the video portion of Zoom meetings of the Island Center Subarea Planning Process Committee.*” Defendant admits that as part of its response to Plaintiff’s “append[ed]” request, on December 31, 2020 the City Clerk wrote to Plaintiff as follows:

*Dear Lisa,*

*Our policy is to record on Zoom only those committee meetings that were recorded prior to the pandemic. The Island Center Subarea Planning Process Committee was not on that list. Staff has to turn on the recording feature in order to record the meeting. Recordings are not made for those meetings so no recordings are deleted.*

*Please let us know if you would like us to provide emails relating to this policy.*

*Best Christine*

To the extent that the allegations in paragraph 3.361 of Plaintiff’s Complaint are inconsistent with or different than the correspondence referenced therein, which speaks for itself, Defendant denies the same. To the extent not admitted, Defendant denies all other or different allegations.

3.362. Defendant admits that after the City Clerk sent Plaintiff the email noted above in response to paragraph 3.361, the City Clerk wrote to Plaintiff:

*Hi Lisa,*

*After speaking further with Planning staff, I need to modify my response. The meetings were recorded, and the audio portion was retained and uploaded to the web site since audio recordings were provided prior to the pandemic. I will work with Planning staff to determine if there are any recordings documenting this decision.*

*I will have an additional response on January 8.*

Defendant further answers that on January 8, 2021, consistent with the City Clerk's email of December 31, 2020 to Plaintiff, the City's Administrative Specialist, Planning and Community Development wrote to Plaintiff:

*Lisa,*

*I am providing an email from Ellen Schroer with instructions on recording committee meetings on Zoom. Following this email, Planning staff spoke about the format of recording for the Island Center Subcommittee. We understood that the direction was to provide the same type of recording that was provided prior to the pandemic. As a result, we only downloaded the audio file from each Zoom meeting and deleted the video file. The videos were never downloaded to the City's system and were deleted from the Zoom account (and cloud). Going forward, we have clarified that the video recording may be provided for these meetings.*

*There are no records relating to the instruction to retain just the audio portion. The conversations were verbal.*

*Please do not hesitate to contact me if you have any further questions.*

*Jane Rasely*

To the extent that the allegations in paragraph 3.362 of Plaintiff's Complaint are inconsistent with or different than the correspondence referenced therein, which speaks for itself, Defendant denies the same. To the extent not admitted, Defendant denies all other or different allegations.

3.363 Defendant denies that it delayed any response to Plaintiff regarding any records request that is the subject of this action. Defendant further denies all other allegations in paragraph 3.363.

3.364 Defendant admits that on Friday, December 18, 2020, within five business days of receiving the request for records on December 16, 2020, the City's Administrative Specialist, Planning and Community Development fulfilled PRR #20-818 by providing by a website link and writing to Plaintiff:

Hi Lisa,

I am releasing a link to the Committee Agenda Center on the City's website. All audio recordings of the Island Center Subarea Planning Process Steering Committee meetings are housed there. There is a video of the February 10, 2020 Open House in this repository.

I am also releasing the Zoom meeting video for the December 16, 2020 Island Center Subarea Planning Process Steering Committee meeting. To my knowledge, this is the only other meeting video we have.

Please let me know if you have any trouble with the links provided. I will be out of the office until December 28, 2020 and will push the due date of this request out to December 31, 2020 in order to respond to any inquiries or problems you may experience with the links.

Thank you,

Jane Rasely

To the extent not admitted, Defendant denies all other or different allegations.

3.365 Defendant denies the allegations as characterized in paragraph 3.365. Defendant refers to its response to paragraph 3.364, which is incorporated herein and admits that it did not provide any video recordings for any meetings apart from the December 16, 2020 meeting as there were no Zoom recordings from any other meetings that existed as of the date of the City's receipt of PRR #20-818. Defendant further answers that it did not withhold, redact, or fail to produce any records that existed at the time of the request. To the extent not admitted, the City denies all other or different allegations.

3.366 Defendant denies the allegations as characterized in paragraph 3.366 but responds that the referenced email correspondence speaks for itself and is set forth in the City's Answer to paragraph 3.362. Defendant further answers that the City did not delete any of the video recordings requested in PRR #20-818 from its system. Rather, the City simply did not download the video recordings sought in PRR #20-818 from Zoom prior to receiving the request. After receiving PRR #20-818, the City attempted to retrieve the recordings from Zoom but learned that the majority of those video recordings were no

1 longer available and therefore did not exist at the time the City received PRR #20-818. To  
2 the extent not admitted, Defendant denies all other or different allegations.

3 3.367 Defendant denies the allegations as characterized in paragraph 3.367. By  
4 way of further Answer, the City has both posted the approved minutes for the Island Center  
5 Meetings to its website for the dates September 20, 2020, October 28, 2020 and November  
6 23, 2020 and provided those minutes to Plaintiff upon her request for the same. To the  
7 extent not admitted, Defendant denies all other or different allegations.

8 3.368 Defendant denies the allegations as characterized in paragraph 3.368. Upon  
9 information and belief, Defendant admits that there may have been no official minutes  
10 recorded for the December 5, 2017 Island Center Subarea Planning Process Steering  
11 Committee meeting as this was the first gathering of the Committee. However, Defendant  
12 further answers that there are notes for the initial gathering, as well as other materials and  
13 an audio recording of the meeting. To the extent not admitted, Defendant denies all other  
14 or different allegations.

15 3.369 Paragraph 3.369 contains merely a legal assertion, which requires no  
16 response. To the extent that a response is required the noted Washington State statutory  
17 provision, RCW 42.30.030, speaks for itself, and to the extent that this paragraph is  
18 inconsistent with that statute, Defendant denies the same.

#### 19 **IV. CAUSE OF ACTION – 42 U.S.C. 1983**

20 4.1 Defendant incorporates its prior responses herein.

21 4.2 Defendant denies the allegations as stated in paragraph 4.2.

22 4.3 Defendant denies the allegations as stated in paragraph 4.3.

23 4.4 Defendant denies the allegations as stated in paragraph 4.4.

24 4.5 Defendant admits then-Councilmember Blossom, an individual elected  
25 official, and Gary Christensen, a City employee, stated opinions during speech and debate  
26 during an August 14, 2018 City Council meeting that contained some of the excerpted

1 phrases. Defendant denies the remaining allegations as stated in paragraph 4.5.

2 4.6 Defendant denies the allegations as stated in paragraph 4.6.

3 4.7 Defendant denies the allegations in paragraph 4.7.

4 4.8 Defendant denies the allegations in paragraph 4.8.

5 4.9 Defendant denies the allegations in paragraph 4.9.

6 4.10 Plaintiff's allegations as stated in paragraph 4.10 are vague and assert a legal  
7 conclusion, and therefore Defendant denies the allegations as stated in paragraph 4.10.

8 4.11 Defendant denies the allegations in paragraph 4.11.

9 4.12 Defendant denies the allegations in paragraph 4.12.

10 4.13 Defendant denies the allegations in paragraph 4.13.

11 4.14 Defendant denies the allegations as stated in paragraph 4.14.

12 4.15-4.23 Defendant denies the allegations in paragraphs 4.15-4.23.

13 **Conspiracy:**

14 4.24-4.36 Defendant denies the allegations as stated in paragraphs 4.24-4.36.

15 4.37 Paragraph 4.37 is vague and unclear, and Defendant lacks sufficient  
16 information to confirm or deny the allegations as stated and therefore denies the same.

17 4.38 Defendant denies the allegations as stated in paragraph 4.38.

18 **V. CAUSE OF ACTION – DEFAMATION**

19 5.1 Defendant incorporates its prior responses herein.

20 5.2 Defendant denies the allegations in paragraph 5.2.

21 5.3 Defendant denies the allegations in paragraph 5.3.

22 5.4 Defendant denies the allegations in paragraph 5.4.

23 5.5 Defendant denies the allegations in paragraph 5.5.

24 5.6 Defendant denies the allegations in paragraph 5.6.

25 5.7 Defendant denies the allegations as stated in in paragraph 5.7.

**VI. CAUSE OF ACTION – NEGLIGENCE OR INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS**

6.1 Defendant incorporates its prior responses herein.

6.2 Defendant denies the allegations in paragraph 6.2.

6.3 Defendant denies the allegations in paragraph 6.3.

6.4 Defendant denies the allegations in paragraph 6.4.

**VII. CAUSE OF ACTION – VIOLATION OF PUBLIC RECORDS ACT**

**RCW 42.56.<sup>1</sup>**

7.1 Defendant incorporates its prior responses herein.

7.2 Paragraph 7.2 states a legal conclusion and to that extent, requires no answer. To the extent this paragraph requires an answer, the noted Washington state statutory provisions, RCW 42.56.010(3) and (4), speak for themselves, and to the extent that this paragraph is inconsistent with those statutes, the City denies the same.

7.3 Paragraph 7.3 states a legal conclusion and to that extent, requires no answer. To the extent this paragraph requires an answer, the noted Washington state statutory provision, RCW 42.56.080, speaks for itself and to the extent that this paragraph is inconsistent with that statute, the City denies the same.

7.4 Paragraph 7.4 states a legal conclusion and to that extent, requires no answer. To the extent this paragraph requires an answer, the noted Washington state statutory provision, RCW 42.56.520, speaks for itself and to the extent that this paragraph is inconsistent with that statute, the City denies the same.

7.5 Defendant denies the allegations in paragraph 7.5.

7.6 Defendant denies the allegations in paragraph 7.6.

7.7 Defendant denies the allegations in paragraph 7.7.

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<sup>1</sup> Defendant notes that, pursuant to an order issued by the court July 17, 2023 [Dkt. 141], Plaintiff's claims based on the Public Records Act, RCW Ch. 42.56 have been bifurcated from Plaintiff's other claims against the City.

7.8 Defendant denies the allegations in paragraph 7.8.

BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSE, Defendant states and alleges as follows:

1. **DISCRETIONARY IMMUNITY:** That all actions of the Defendant City of Bainbridge Island herein alleged as negligence, manifest a reasonable exercise of judgment and discretion by an elected body of authorized public officials made in the exercise of governmental authority entrusted to them by law and are neither tortious nor actionable.

2. **STATUTE OF LIMITATIONS:** That some of Plaintiff's claims are barred by the statute of limitations. Defendant acknowledges that the court has granted Plaintiffs' motion to dismiss this affirmative defense, Dkt. 126, p. 10-12, and includes this defense in this Answer to Plaintiff's Third Amended Complaint merely to preserve the record.

3. **FAILURE TO STATE A CLAIM:** That the Plaintiff has failed to state a claim upon which relief may be granted.

4. **MITIGATION OF DAMAGES:** That if the Plaintiff suffered any damages, recovery therefore is barred by Plaintiff's failure to mitigate said damages.

5. **PRIVILEGE:** That alleged communications were privileged and nontortious, including those subject to intra-corporate privilege, common interest privilege, fair reporting privilege, and good faith report to a government agency.

6. **INTRA-CORPORATE CONSPIRACY DOCTRINE:** Plaintiff's conspiracy claims against Defendant City of Bainbridge Island are barred by the intra-corporate conspiracy doctrine.

7. **THIRD PARTY AT FAULT:** To the extent Plaintiff asserts claims based on publications by a media outlet, particularly without attribution of quoted sources or the writer's own characterizations that Plaintiff claims to be false, said media outlet is solely responsible for its own publications.

8. **PUBLIC FIGURE:** Plaintiff was a public figure and/or a limited-purpose public figure to the extent she sought appointment and served on committees or in other roles for a public agency, and regarding debate related to such application, appointment, and/or removal.

9. **FIRST AMENDMENT:** The Speech and Debate Clause of the First Amendment allows for comment, opinion, and debate among elected officials, citizens, and others as part of the public process.

10. **PUBLIC DUTY DOCTRINE:** To the extent Plaintiff alleges negligence, any potential duty allegedly owed would be owed to the public in general, and not Plaintiff, and therefore an action in negligence does not lie.

11. **FAILURE TO COMPLY WITH RCW 7.96.040:** Plaintiff did not comply with the requirements of RCW 7.96.040 in a manner entitling her to relief under this chapter.

12. **42 U.S.C. § 1983 AND § 1988: ATTORNEY FEE SHIFT:**

Plaintiff's demand for punitive damages against Defendant City of Bainbridge Island, a public agency, is frivolous, as it is well-established by law that punitive damages are not recoverable against municipalities. Plaintiff was fully advised of the legal bar to such a claim by way of the Defendant City's Motion to Dismiss, Dkt. Nos. 10, 17 (March 4, 19, 2021) but re-asserted the claim nonetheless in her Second Amended Complaint [Dkt. No. 30, January 11, 2022].

13. **LEGISLATIVE IMMUNITY:** Plaintiff's claims are barred by absolute sovereign immunity, which applies to cities for legislative acts of its councilmembers, including acts alleged in Plaintiff's Second Amended Complaint. This immunity also extends to councilmembers in rendering employment decisions pertaining to quasi-judicial and executive officials.

14. **SUBJECT MATTER JURISDICTION:** The Court does not have jurisdiction of Plaintiff's claims.

15. **RECORDS REQUEST NOT DENIED AND RECORDS NOT**  
**WITHELD:** Plaintiff's claims are barred, in whole or in part, because the City has not denied Plaintiff's records request or withheld any responsive records.

16. **ADEQUATE SEARCH:** Plaintiff's claims are barred, in whole or in part, because the City conducted adequate search(es) for responsive records.

17. **NO IMPROPER REDACTIONS:** Plaintiff's claims are barred, in whole or in part, because, to the extent that the City has redacted any public records, the redacted records are exempt from or prohibited from disclosure in accordance with Washington State law.

18. **EXISTING RECORDS WERE TIMELY PROVIDED:** Plaintiff's claims are barred, in whole or in part, because the City timely provided the records it reasonably believed were responsive to Plaintiff's request, to the extent such records existed at the time it received Plaintiff's request.

19. **GOOD FAITH:** Plaintiff's claims are barred, in whole or in part, because at all times relevant to this matter, the City acted in good faith and provided the fullest possible assistance to Plaintiff in processing her public records request(s) and the City reasonably believed and/or had reasonable grounds to believe that all of its actions related to the subject request were lawful and complied with the Public Records Act.

## PRAAYER FOR RELIEF

WHEREFORE, Defendant CITY OF BAINBRIDGE ISLAND prays for the following relief:

1. That Plaintiff's complaint be dismissed with prejudice, and that Plaintiff take nothing by her Complaint;

2. That Defendant be allowed its statutory costs and reasonable attorney fees incurred herein, including pursuant to 42 U.S.C § 1988; and

3. For such additional relief the Court may deem just and equitable.

**JURY TRIAL DEMANDED**

The Defendants respectfully demand their right to a trial by jury in this matter.

DATED this 1st day of August, 2023.

KEATING, BUCKLIN & McCORMACK, INC., P.S.

By: /s/ Jayne L. Freeman

Jayne L. Freeman, WSBA #24318

Audrey M. Airut Murphy, WSBA #56833

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Attorneys for Plaintiff**

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DATED: August 1, 2023

/s/ Jayne L. Freeman

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